MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1795. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1796. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1797. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1798. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1799. Mrs. BOXER (for herself, Mr. ALEXANDER, Mr. WARNER, Mr. LIEBERMAN, Mrs. FEINSTEIN, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1800. Mr. KYL proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1801. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1802. Mr. DORGAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1803. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1804. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1805. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1806. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1807. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1808. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1809. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1810. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1812. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1813. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1814. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1815. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1816. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1817. Ms. STABENOW (for herself, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. BROWN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1818. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1819. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1716. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, after line 20, insert the following:

(d) MAJOR ENERGY PRODUCER RECORDS.—

(1) IN GENERAL.—Following the declaration of an energy emergency by the President under section 606, a major energy producer (as defined by section 702) shall maintain and shall make available to the Federal Trade Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to determine whether the producer is in violation of this title.

(2) RETENTION.—A major energy producer subject to paragraph (1) shall retain records required by paragraph (1) for a period of 1 year after the expiration of the declaration of an energy emergency.

SA 1717. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the

authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SA 1718. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. MARTINEZ) proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Strike section 831 and insert the following:

SEC. 831. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	''.

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1719. Mr. CORNYN (for himself, Mr. DURBIN, Mrs. HUTCHISON, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. FUTUREGEN GASIFICATION-BASED NEAR-ZERO EMISSIONS POWER PLANT.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''Consortium'' means the consortium described in subsection (c).

(2) FACILITY.—The term ''Facility'' means the FutureGen Facility authorized under subsection (b).

(b) AUTHORIZATION OF FACILITY.—The Secretary shall construct a facility, to be known as the ''FutureGen Facility'', to determine the feasibility of integrating commercial-scale gasification combined cycle power plant technologies with advanced clean coal energy technologies, including through carbon capture and geological sequestration.

(c) COOPERATIVE AGREEMENT.—The Secretary shall offer to enter into a cooperative agreement with a nonprofit consortium of domestic and international coal-fueled power producers, domestic and international coal companies, and other interested parties to provide for the financing of the Facility.

(d) OBJECTIVES.—The Secretary shall establish objectives for the Facility, including objectives providing for—

(1) subject to the availability of appropriations and the completion of an environmental impact statement by October 31, 2007, the operation of the Facility by December 31, 2012;

(2) the Facility to be designed in a manner that—

(A) achieves—

(i)(I) at least a 99-percent reduction in the quantity of sulfur dioxide otherwise emitted by the Facility; or

(II) a sulfur dioxide emission level of 15 ppm, as measured at the stack; and

(ii) at least a 90-percent reduction in the quantity of mercury emitted as compared to the mercury content of the coal fed to the gasifier;

(B) emits—

(i) not more than 0.05 pounds of nitrogen oxide emissions per mmbtu of coal gasified; and

(ii) not more than 0.005 pounds of total particulate emissions in the flue gas per million British thermal units;

(C) captures at least 90 percent of carbon dioxide emissions;

(D) permanently sequesters at least 1,000,000 metric tons per year of carbon dioxide in deep saline geological formations; and

(E) can be used to determine the feasibility of ultimately operating a commercial near-zero emission coal-fueled powerplant at a cost that is not greater than 110 percent of the average cost of operation of a similar facility operating in the United States as of the date of enactment of this Act that does not capture and sequester carbon dioxide, including—

(i) evaluating alternative carbon dioxide monitoring technologies and plant operational strategies that contribute to ultimate commercial competitiveness of near-zero emission technology; and

(ii) providing a sub-scale research platform to test new systems and components that could reduce ultimate costs without impairing the availability of the Facility to operate; and

(3) building stakeholder acceptance of near-zero emission technology, including the sequestration of carbon dioxide.

(e) SYSTEM INTEGRATION.—To reduce technical risk and focus development efforts on system integration, the Secretary shall, to the maximum extent practicable, ensure that the Facility is designed in a manner to use, as appropriate—

(1) available advanced clean coal technology; and

(2) state-of-the-art technology systems and components.

(f) DATA PROTECTION.—The Secretary may agree to protect information from the facility to the same extent authorized for the clean coal power initiative program under section 402(h) of the Energy Policy Act of 2005 (42 U.S.C. 15962(h)).

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Facility shall be considered to be a research and development activity subject to the cost-sharing requirements of section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)).

(2) FEDERAL SHARE.—The Secretary may credit toward the Federal share for the Facility contributions received by the Secretary from other countries.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be paid by the Consortium.

(B) SOURCE OF FUNDS.—To pay the non-Federal share, the Consortium may use amounts made available to the Consortium by States, technology providers, and other non-Federal entities.

(h) INSUFFICIENT FUNDS.—

(1) CONVEYANCE TO SECRETARY.—The Secretary may agree to take title to the Facility if the Secretary determines that the Consortium has insufficient funds to complete the Facility.

(2) INSUFFICIENT APPROPRIATED FUNDS.—If operations at the Facility are terminated because of insufficient appropriated Federal funds to complete the Facility, the Secretary may agree to reimburse the Consortium for the Consortium's share of the Facility costs.

(i) TITLE TO FACILITY.—

(1) IN GENERAL.—The Secretary may vest fee title or any other property interests acquired in the Facility in any entity, including the United States.

(2) COLLATERAL.—The Secretary may agree to allow the Consortium to use title to the Facility as collateral toward any required financing for the Facility.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for each of fiscal years 2008 through 2017.

SA 1720. Mr. INHOFE (for himself, Mr. VITTER, Mr. VOINOVICH, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, line 17, strike ''standard'' and insert ''standards''.

Beginning on page 220, strike line 13 and all that follows through page 222, line 6, and insert the following:

(d) IDENTIFICATION OF STANDARDS.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations to identify 1 or more standards that encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standards identified under paragraph (1) shall be based on—

(A) a biennial study, which shall be carried out by the Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standards to be developed and revised through a consensus-based process, as described in Circular No. A–119 of the Office of Management and Budget;

(E) an evaluation of the adequacy of the standards, which shall give credit for—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

(iv) such other criteria as the Director determines to be appropriate; and

(F) recognition as a national consensus standard.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standards identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

On page 238, line 9, strike ''the standard'' and insert ''a standard''.

SA 1721. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

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

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 1722. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE IN NON-ATTAINMENT AREAS.

Section 109 of the Clean Air Act (42 U.S.C. 7409) is amended by adding at the end the following:

''(e) NONATTAINMENT AREAS.—In any area designated by the Administrator as a nonattainment area under section 107 for purposes of a national ambient air quality standard for ozone—

''(1) the requirements that apply with respect to fees under section 182(d)(3) or 185, source permitting under subparagraph (C) or (I) of section 110(a)(2), contingency measures under section 172(c)(9) or 182(c)(9), or motor vehicle emission budgets under section 176, as in effect at the time of application of the requirements, shall be the requirements that apply for purposes of the national ambient air quality standard for ozone; and

''(2) the requirements that applied under a national ambient air quality standard for ozone shall not apply for purposes of the standard if the requirements were—

''(A) revoked, rescinded, or withdrawn by the Administrator or are otherwise not in effect at the time of application of the requirements; and

''(B) less stringent than the national ambient air quality standard for ozone that is in effect at the time of application of the requirements.''.

SA 1723. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding at the end the following:

''(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) CURRENT CLASSIFICATION.—The term 'current classification' means—

''(i) any classification of an area on the date on which the Administrator determines that the area is a downwind area; and

''(ii) with respect to any reclassification made by the Administrator under subsection (b)(2)(A) after the date of enactment of this subsection, the classification of an area on the date immediately before the date on which the Administrator reclassified the area.

''(B) DOWNWIND AREA.—The term 'downwind area' means any area that the Administrator classifies as a downwind area under paragraph (2).

''(C) ELIGIBLE IMPLEMENTATION PLAN REVISION.—The term 'eligible implementation plan revision' means a revision of an implementation plan for a downwind area that—

''(i) complies with each requirement of this Act relating to the current classification of a downwind area (including any requirement relating to any nonattainment plan provision described in section 172(c)); and

''(ii) includes any other additional provision necessary to demonstrate that, not later than the date on which the attainment

date for the downwind area is extended under paragraph (3), the downwind area shall demonstrate attainment of each national standard, as determined by the Administrator.

''(D) NATIONAL STANDARD.—The term 'national standard' means—

''(i) the national primary ambient air quality standard for ozone; and

''(ii) the national secondary ambient air quality standard for ozone.

''(E) NECESSARY FINAL REDUCTION IN POLLUTION TRANSPORT.—The term 'necessary final reduction in pollution transport' means the final reduction in pollution transport of an upwind area that is necessary for a downwind area to achieve attainment of each national standard, as determined by the Administrator.

''(F) UPWIND AREA.—The term 'upwind area' means an area that—

''(i) significantly contributes to the nonattainment by a downwind area of any national standard, as determined by the Administrator; and

''(ii) is—

''(I) a nonattainment area that has an attainment date for a national standard that is later than the attainment date of the downwind area for which the nonattainment area significantly contributes to nonattainment under clause (i); or

''(II) an area—

''(aa) that is located in a State other than the State in which the downwind area is located for which the nonattainment area significantly contributes to nonattainment under clause (i); and

''(bb) for which the Administrator, by regulation, has established 1 or more requirements to eliminate any emission generated by the area that significantly contributes to the nonattainment of the downwind area, as determined by the Administrator under clause (i).

''(2) CLASSIFICATION OF DOWNWIND AREA.—The Administrator shall designate as a downwind area any area—

''(A) that has not attained a national standard; and

''(B) for which an upwind area significantly contributes to the nonattainment by the downwind area of any national standard described in subparagraph (A), as determined by the Administrator.

''(3) EXTENSION OF ATTAINMENT DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in accordance with paragraph (4), the Administrator shall extend the attainment date of any national standard applicable to a downwind area if, before the date on which the Administrator is required to determine whether to reclassify the downwind area under subsection (b)(2)(A), the Administrator approves an eligible implementation plan revision for the downwind area.

''(B) RECLASSIFIED DOWNWIND AREAS.—

''(i) PRIOR RECLASSIFICATIONS.—The Administrator shall withdraw any reclassification of a downwind area made by the Administrator under subsection (b)(2)(A), and extend the attainment date applicable to the downwind area in accordance with paragraph (4), if—

''(I) not earlier than April 1, 1997, the Administrator reclassified the downwind area under subsection (b)(2)(A); and

''(II) not later than 1 year after the date of enactment of this subsection, the Administrator approves an eligible implementation plan revision for the downwind area.

''(ii) FUTURE RECLASSIFICATIONS.—The Administrator shall withdraw any reclassification of a downwind area made by the Administrator under subsection (b)(2)(A) after the date of enactment of this subsection, and extend the attainment date applicable to the downwind area in accordance with paragraph (4), if, not later than 1 year after the date on which the Administrator reclassifies the downwind area, the Administrator approves an eligible implementation plan revision for the downwind area.

''(4) LENGTH OF EXTENSION OF ATTAINMENT DATE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in extending the attainment date applicable to a downwind area under paragraph (3), the Administrator shall extend the attainment date to the earliest practicable date on which the downwind area could achieve attainment of each national standard, as determined by the Administrator.

''(B) MAXIMUM LENGTH OF EXTENSION.—In extending the attainment date of a downwind area under paragraph (3), the Administrator shall extend the attainment date of the downwind area to a date not later than the date on which the upwind area contributing to nonattainment of the downwind area is required to achieve a necessary final reduction in pollution transport.''.

SA 1724. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 17, strike ''90'' and insert ''30''.

SA 1725. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike line 20 and insert the following:

(3) AUTOMATIC WAIVER APPROVAL.—If the President fails to approve or disapprove a petition for waiver of the requirements of subsection (a) by the deadline specified in paragraph (2), the waiver shall be considered to be granted.

(4) TERMINATION OF WAIVERS.—A waiver

On page 22, line 1, strike ''(4)'' and insert ''(5)''.

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. COMMISSION ON RENEWABLE ENERGY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on Renewable Energy'' (referred to in this section as the ''Commission'')—

(1) to advise Congress on—

(A) issues relating to renewable energy research and development; and

(B) policies relating to the expansion of the use of renewable energy in the energy markets of the United States; and

(2) to facilitate collaboration among Federal agencies relating to the execution of national renewable energy objectives.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) the Secretary (or a designee);

(B) the Secretary of Agriculture (or a designee);

(C) the Secretary of Commerce (or a designee);

(D) the Administrator of the National Oceanic and Atmospheric Administration (or a designee);

(E) the Director of the National Science Foundation (or a designee);

(F) the Director of the Office of Science and Technology Policy (or a designee);

(G) the Director of the Office of Management and Budget (or a designee); and

(H) 7 representatives selected in accordance with paragraph (3), to be comprised of representatives of—

(i) national laboratories;

(ii) State laboratories;

(iii) industry;

(iv) trade groups; and

(v) State agencies.

(2) ELIGIBILITY OF DESIGNEES.—To serve as a member of the Commission, an individual designated to serve under subparagraphs (A) through (G) of paragraph (1) shall be of a position not lower than Assistant Secretary (or an equivalent position).

(3) REPRESENTATIVES.—

(A) SELECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with each individual described in subparagraphs (A) through (G) of paragraph (1), shall select representatives from each group described in subparagraph (H) to serve as members of the Commission.

(B) QUALIFICATIONS.—A representative selected under subparagraph (A) shall be an individual who, by reason of professional background and experience, is specially qualified to serve as a member of the Commission.

(C) TERM.—A representative selected under subparagraph (A) shall serve for a term of 4 years.

(D) TREATMENT.—A representative selected under subparagraph (A) shall—

(i) serve without compensation; and

(ii) be considered an employee of the Federal Government in the performance of those services for the purposes of—

(I) chapter 81 of title 5, United States Code; and

(II) chapter 171 of title 28, United States Code.

(c) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson, but not less often than quarterly.

(2) FORM OF MEETINGS.—The Commission may meet in person or through electronic means.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON.—

(1) SELECTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall select a Chairperson—

(i) from among the members of the Commission; and

(ii) through a unanimous vote of approval.

(B) INITIAL SELECTION.—The Secretary shall select the initial Chairperson.

(2) TERM.—The Chairperson shall serve for a term of 6 years.

(g) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) promote research and development of renewable energy, including—

(i) wind energy;

(ii) wave energy;

(iii) solar energy;

(iv) geothermal energy; and

(v) the production of biofuels (with particular emphasis on the production of biofuels based on cellulosic fuels);

(B) identify and recommend public and private research institutions to carry out that research and development; and

(C) in consultation with renewable energy experts regarding renewable energy policies, develop policy recommendations for Federal agencies.

(2) STUDIES.—Not later than 90 days after the date on which the Commission holds the initial meeting of the Commission, and every 4 years thereafter, the Chairperson of the Commission, acting through the Secretary, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess, for the period covered by the study, issues relating to—

(A) any advancement made relating to renewable energy; and

(B) the adoption of each advancement described in subparagraph (A) into the energy markets of the United States.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that contains—

(A) a detailed statement describing each activity carried out by the Commission; and

(B) the recommendations of the Commission relating to the funding of research for the development of renewable energy by—

(i) the Federal Government;

(ii) the industrial sector of the United States; and

(iii) any other country.

(h) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers 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) CONFIDENTIALITY.—Any information provided by a Federal agency to the Commission under this paragraph shall be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code, if the Federal agency obtained the information from an entity other than a Federal agency.

(3) 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.

(4) GIFTS.—

(A) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(B) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that describes each gift received by each member of the Commission during the period covered by the report.

(i) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

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

(k) TERMINATION OF COMMISSION.—The Commission shall terminate on October 1, 2016.

SA 1727. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RENEWABLE ELECTRICITY PRODUCTION CREDIT ALLOWED FOR LANDFILL GAS FACILITIES WHICH PRODUCE FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Section 45(e)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR CERTAIN FACILITIES.—

''(i) IN GENERAL.—The amount of qualified energy resources taken into account under subsection (a) at any qualified facility described in clause (ii) shall be reduced by the amount of such resources used in producing qualified fuels (as defined by section 45K(c)) at such facility.

''(ii) QUALIFIED FACILITY DESCRIBED.—A qualified facility is described in this clause if such facility—

''(I) is placed in service after the date of the enactment of this subparagraph, and

''(II) produces electricity from gas derived from the biodegradation of municipal solid waste and such biodegradation occurred in a facility (within the meaning of section 45K) the production from which a credit is allowed under section 45K for the taxable year.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 45(e)(9) of such Code is amended by inserting ''which is placed in service before the date of the enactment of subparagraph (C) and'' after ''shall not include an facility''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SA 1728. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CREDIT FOR CORROSION PREVENTION AND MITIGATION MEASURES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45O. CORROSION PREVENTION AND MITIGATION MEASURES.

''(a) IN GENERAL.—For purposes of section 38, the corrosion prevention and mitigation credit determined under this section for the taxable year is an amount equal to 50 percent of the excess of—

''(1) qualified corrosion prevention and mitigation expenditures with respect to qualified property, over

''(2) the amount such expenditures would have been, taking into account—

''(A) amounts paid or incurred to satisfy Federal, State, or local requirements, and

''(B) amounts paid for corrosion prevention practices, as certified by a person certified pursuant to subsection (b)(2).

''(b) QUALIFIED CORROSION PREVENTION AND MITIGATION EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified corrosion prevention and mitigation expenditures' means amounts paid or incurred by the taxpayer during the taxable year for engineering design, materials, and application and installation of corrosion prevention and mitigation technology.

''(2) CERTIFICATION MAY BE REQUIRED.—The Secretary shall require by regulation that no amount be taken into account under paragraph (1) for any design, material, application, or installation unless such design, material, application, or installation meets such certification requirements. Such requirements shall provide for accreditation of certifying persons by an independent entity with expertise in corrosion prevention and mitigation technology.

''(3) CORROSION PREVENTION AND MITIGATION TECHNOLOGY.—Corrosion prevention and mitigation technology includes a system comprised of at least one of the following: a corrosion-protective coating or paint; chemical treatment; corrosion-resistant metals; and cathodic protection. The Secretary from time to time by regulations or other guidance may modify the list contained in the preceding sentence to reflect changes in corrosion prevention and mitigation technology.

''(4) QUALIFIED PROPERTY.—The term 'qualified property' means property which is—

''(A) comprised primarily of a metal susceptible to corrosion,

''(B) of a character subject to the allowance for depreciation,

''(C) originally placed in service or owned by the taxpayer, and

''(D) located in the United States.

''(c) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified property for which a credit was allowed under subsection (a), the

tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified corrosion prevention and mitigation expenditures of the taxpayer with respect to such property had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

''If the property ceases to be qualified property within:	**The recapture percentage is:**
(i) One full year after placed in service	100
(ii) One full year after the close of the period described in clause (i)	80
(iii) One full year after the close of the period described in clause (ii)	60
(iv) One full year after the close of the period described in clause (iii)	40
(v) One full year after the close of the period described in clause (iv)	20.

''(B) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(i) CESSATION OF USE.—The cessation of use of the qualified property.

''(ii) CHANGE IN OWNERSHIP.—

''(I) IN GENERAL.—Except as provided in subclause (II), the disposition of a taxpayer's interest in the qualified property with respect to which the credit described in subsection (a) was allowable.

''(II) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Subclause (I) shall not apply if the person acquiring the qualified property agrees in writing to assume the recapture liability of the person disposing of the qualified property. In the event of such an assumption, the person acquiring the qualified property shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(III) SPECIAL RULE FOR TAX EXEMPT ENTITIES.—Subclause (II) shall not apply to any tax exempt entity (as defined in section 168(h)(2)).

''(iii) SPECIAL RULES.—

''(I) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(II) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

''(III) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the property as qualified property by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(d) DENIAL OF DOUBLE BENEFIT.—For purposes of this subtitle—

''(1) BASIS ADJUSTMENTS.—

''(A) IN GENERAL.—If a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (c).

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under this chapter for any expense taken into account under this section.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section.

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2017.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end thereof the following new paragraph:

''(32) Corrosion prevention and mitigation credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

''Sec. 45O. Corrosion prevention and mitigation measures.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFSHORE RENEWABLE ENERGY.

(a) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, or right-of-way—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.''; and

(2) by adding at the end the following:

''(11) CLARIFICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

''(B) TRANSMISSION OF POWER.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).''.

(b) PROJECTS IN STATE WATERS.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of a request of a State, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') shall enter into a memorandum of understanding with the State with respect to the authorization of ocean energy projects (including wave, current, and tidal energy projects) located in offshore waters and submerged land over which the State has jurisdiction.

(B) PARTICIPATION BY SECRETARY OF INTERIOR.—To the extent that a project described in subparagraph (A) involves any Federal submerged land or water on the outer Continental Shelf, the Secretary of the Interior shall also be a party to the applicable memorandum of understanding under this paragraph.

(C) GOAL.—The goal of a memorandum of understanding under this paragraph shall be to ensure coordination among the Commission, the States, and the Secretary of the Interior, as applicable, to facilitate the consideration of authorizations for ocean energy projects.

(2) COMMISSION PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Commission shall publish regulations that—

(A) establish a permitting process for wave, current, and tidal energy projects in submerged land and offshore waters under the jurisdiction of a State; and

(B) take into consideration, and provide for—

(i) the specific technological, environmental, and other unique characteristics of those projects; and

(ii) the size and scope of the projects.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters, limits, or modifies any claim of a State to any jurisdiction over, or any right, title, or interest in, submerged land or offshore water of the State.

(c) CONSIDERATION OF CERTAIN REQUESTS FOR AUTHORIZATION.—In considering a request for authorization of a project pending before the Commission as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(d) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

SA 1730. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFSHORE RENEWABLE ENERGY.

Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended by striking paragraph (3) and inserting the following:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, or right-of-way—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.''.

SA 1731. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 17, insert the following:

SEC. 809A. CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D (relating to allowance of credit), as amended by this Act, is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(5) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.''.

(b) MAXIMUM CREDIT.—Paragraph (1) of section 25D(b) (relating to maximum credit), as amended by this Act, is amended—

(1) by striking ''and'' at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(E) $4,000 with respect to any qualified biomass fuel property expenditures.''.

(c) MAXIMUM EXPENDITURES.—Subparagraph (A) of section 25D(e)(4) (relating to maximum expenditures in case of joint occupancy) is amended—

(1) by striking ''and'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', and'', and

(3) by adding at the end the following new clause:

''(iv) $13,334 in the case of any qualified biomass fuel property expenditures.''.

(d) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D (relating to definitions), as amended by this Act, is amended by adding at the end the following new paragraph:

''(5) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

''(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) which has a thermal efficiency rating of at least 75 percent.

''(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(e) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

SA 1732. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 17 to 20, strike ''to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons''.

SA 1733. Mr. KYL (for himself, Mr. LOTT, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of subtitle B of title VIII add the following:

SEC. _____. CONDITION PRECEDENT FOR THE EFFECTIVE DATE OF REVENUE RAISERS.

Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

SA 1734. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 403 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) (as amended by section [_____] of the amendment), add the following:

''(c) AUDIT.—

''(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which a county receives payments under title I or the payment in lieu of taxes program under chapter 69 of title 31, United States Code, the county shall submit to the State in which the county is located an audit of the expenditure of the payments by the county during the preceding fiscal year.

''(2) FAILURE TO REPORT.—If, during any fiscal year, a county described in paragraph (1) fails to submit the audit by the deadline described in that paragraph, the county shall be ineligible for payments under this Act or the payment in lieu of taxes program under chapter 69 of title 31, United States Code, as applicable, for the subsequent fiscal year.

''(3) CERTIFICATION.—The State shall—

''(A) not later than 60 days after the end of the fiscal year in which the audits were submitted under paragraph (1), certify the audits; and

''(B) on certification of the audit under subparagraph (A), submit the certified audit to the Secretary concerned.

''(4) REPORT.—Not later than 90 days after the end of the fiscal year in which the audits were submitted under paragraph (1), the Secretary concerned shall submit to the appropriate committees of Congress a report that describes the results of the audits submitted and certified under this subsection.''.

SA 1735. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6, strike line 17 and all that follows through page 7, line 16, and insert the following:

(1) ADVANCED BIOFUEL.—The term ''advanced biofuel'' means fuel produced in the United States—

(A) that meets the requirements of an appropriate American Society for Testing and Materials standard; and

(B) the lifecycle greenhouse gas emissions of which are at least 50 percent lower than the average lifecycle greenhouse gas emissions of conventional fuel, as determined by the Administrator of the Environmental Protection Agency.

On page 7, between lines 23 and 24, insert the following:

(4) CONVENTIONAL FUEL.—The term ''conventional fuel'' means any fossil-fuel based transportation fuel, boiler fuel, or home heating fuel used in the United States as of the date of enactment of this Act.

On page 7, line 24, strike ''(4)'' and insert ''(5)''.

On page 9, line 11, strike ''(5)'' and insert ''(6)''.

On page 10, line 1, strike ''(6)'' and insert ''(7)''.

On page 10, line 3, strike ''(7)'' and insert ''(8)''.

On page 10, line 16, strike ''President'' and insert ''Administrator of the Environmental Protection Agency''.

On page 11, line 15, strike ''gasoline'' and insert ''conventional fuel''.

On page 13, line 3, strike ''2016'' and insert ''2012''.

On page 13, between lines 5 and 6, strike the table and insert the following:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2012	0.5
2013	1.5
2014	2.5
2015	3.5
2016	4.5
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

SA 1736. Mr. REID submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—CLEAN RENEWABLE ENERGY AND ECONOMIC DEVELOPMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Clean Renewable Energy and Economic Development Act''.

SEC. __2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) many of the best potential renewable energy resources are located in rural areas far from population centers;

(4) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(5) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(6) more efficient use of the existing excess transmission capacity, better integration of resources, and greater investments in distributed generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(7) the Federal Government has not adequately invested in or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies and renewable electricity generation, including through enhancing distributed generation or through vehicle- and transportation-sector use; and

(8) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES.

(a) IN GENERAL.—Title II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended—

(1) by inserting before the section heading of section 201 (16 U.S.C. 824 et seq.) the following:

''Subpart A—Regulation of Electric Utility Companies'';

and

(2) by adding at the end the following:

''Subpart B—National Renewable Energy Zones

''SEC. 231. DEFINITIONS.

''In this subpart:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

''(ii) any solid, nonhazardous, cellulosic material that is derived from—

''(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

''(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

''(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

''(IV) a plant that is grown exclusively as a fuel for the production of electricity.

''(B) INCLUSIONS.—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(C) EXCLUSIONS.—The term 'biomass' does not include—

''(i) municipal solid waste;

''(ii) paper that is commonly recycled; or

''(iii) pressure-treated, chemically-treated, or painted wood waste.

''(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means—

''(A) reduced electricity consumption from the electric grid because of use by a customer of renewable energy generated at a customer site; and

''(B) electricity or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

''(4) ELECTRICITY CONSUMING AREA.—The term 'electricity consuming area' means the area within which electric energy would be consumed if new high-voltage electric transmission facilities were to be constructed to access renewable electricity in a national renewable energy zone.

''(5) ELECTRICITY FROM RENEWABLE ENERGY.—The term 'electricity from renewable energy' means—

''(A) electric energy generated from solar energy, wind, biomass, landfill gas, the ocean (including tidal, wave, current, and thermal energy), geothermal energy, or municipal solid waste; or

''(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project.

''(6) FEDERAL TRANSMITTING UTILITY.—The term 'Federal transmitting utility' means—

''(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

''(B) the Tennessee Valley Authority.

''(7) FUEL CELL VEHICLE.—The term 'fuel cell vehicle' means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(8) GRID-ENABLED VEHICLE.—The term 'grid-enabled vehicle' means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging and discharging an onboard energy storage device, such as a battery.

''(9) HIGH-VOLTAGE ELECTRIC TRANSMISSION FACILITY.—The term 'high-voltage electric transmission facility' means 1 of the electric transmission facilities that—

''(A) are necessary for the transmission of electric power from a national renewable energy zone to an electricity-consuming area in interstate commerce; and

''(B) has a capacity in excess of 200 kilovolts.

''(10) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was, on the date of enactment of this subpart—

''(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

''(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; and

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native

Claims Settlement Act (42 U.S.C. 1601 et seq.).

''(11) NETWORK UPGRADE.—The term 'network upgrade' means an addition, modification, or upgrade to the transmission system of a transmission provider required at or beyond the point at which the generator interconnects to the transmission system of the transmission provider to accommodate the interconnection of 1 or more generation facilities to the transmission system of the transmission provider.

''(12) RENEWABLE ELECTRICITY CONNECTION FACILITY.—

''(A) IN GENERAL.—The term 'renewable electricity connection facility' means an electricity generation or transmission facility that uses renewable energy sources.

''(B) INCLUSIONS.—The term 'renewable electricity connection facility' includes inverters, substations, transformers, switching units, storage units and related facilities, and other electrical equipment necessary for the development, siting, transmission, storage, and interconnection of electricity generated from renewable energy sources.

''(13) RENEWABLE ENERGY CREDIT.—The term 'renewable energy credit' means a unique instrument representing 1 or more units of electricity generated from renewable energy that is designated by a widely-recognized certification organization approved by the Commission or the Secretary of Energy.

''(14) RENEWABLE ENERGY TRUNKLINE.—

''(A) IN GENERAL.—The term 'renewable energy trunkline' means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider from the point at which the ownership changes from the generation owner to the transmission system of the transmission provider to the point at which the facility connects to a high-voltage transmission facility, including any modifications, additions or upgrades to the facilities and equipment, at a voltage of 115 kilovolts or more.

''(B) EXCLUSION.—The term 'renewable energy trunkline' does not include a network upgrade.

''SEC. 232. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subpart, the President shall designate as a national renewable energy zone each geographical area that, as determined by the President—

''(1) has the potential to generate in excess of 1 gigawatt of electricity from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

''(2) has an insufficient level of electric transmission capacity to achieve the potential described in paragraph (1); and

''(3) has the capability to contain additional renewable energy electric generating facilities that would generate electricity consumed in 1 or more electricity consuming areas if there were a sufficient level of transmission capacity.

''(b) RENEWABLE ENERGY REQUIREMENTS.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of the load of electric generating facilities.

''(c) CONSULTATION.—Before making any designation under subsection (a), the President shall consult with—

''(1) the Governors of affected States;

''(2) the public;

''(3) public and private electricity and transmission utilities and cooperatives;

''(4) Federal and State land management and energy and environmental agencies;

''(5) renewable energy companies;

''(6) local government officials;

''(7) renewable energy and energy efficiency interest groups;

''(8) Indian tribes; and

''(9) environmental protection and land, water, and wildlife conservation groups.

''(d) RECOMMENDATIONS.—Not sooner than 3 years after the date of enactment of this subpart, and triennially thereafter, the Secretary of Energy and the Federal transmitting utilities, in cooperation with the Director of the Bureau of Land Management, the Director of the United States Geological Survey, the Commissioner of Reclamation, the Director of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Secretary of Defense, and after consultation with the Governors of the States, shall recommend to the President and Congress—

''(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development; and

''(2) modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential.

''(e) REVISION OF DESIGNATIONS.—Based on the recommendations received under subsection (d), the President may revise the designations made under subsection (a), as appropriate.

''SEC. 233. ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

''(a) COST RECOVERY.—The Commission shall promulgate such regulations as are necessary to ensure that a public utility transmission provider that finances a high-voltage electric transmission facility or other renewable electricity connection facility added in a national renewable energy zone after the date of enactment of this subpart recovers all prudently incurred costs, and a reasonable return on equity, associated with the new transmission capacity.

''(b) ALTERNATIVE TRANSMISSION FINANCING MECHANISM.—

''(1) IN GENERAL.—The Commission shall permit a renewable energy trunkline built by a public utility transmission provider in a national renewable energy zone to, in advance of generation interconnection requests, be initially funded through a transmission charge imposed on all transmission customers of the transmission provider or, if the renewable energy trunkline is built in an area served by a regional transmission organization or independent system operator, all of the transmission customers of the transmission operator, if the Commission finds that—

''(A) the renewable energy resources that would use the renewable energy trunkline are remote from the grid and load centers;

''(B) the renewable energy trunkline will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

''(C) the renewable energy trunkline has at least 1 project subscribed through an executed generation interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

''(2) NEW ELECTRIC GENERATION PROJECTS.—As new electric generation projects are constructed and interconnected to the renewable energy trunkline, the transmission services contract holder for the generation project shall, on a prospective basis, pay a pro rata share of the facility costs of the renewable energy trunkline, thus reducing the effect on the rates of customers of the public utility transmission provider.

''(c) FEDERAL TRANSMITTING UTILITIES.—

''(1) IN GENERAL.—Not later than 1 year after the designation of a national renewable energy zone, a Federal transmitting utility that owns or operates 1 or more electric transmission facilities in the national renewable energy zone shall identify specific additional high-voltage or other renewable electricity connection facilities required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

''(2) LACK OF PRIVATE FUNDS.—If, by the date that is 3 years after the date of enactment of this subpart, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a high-voltage or other renewable electricity connection facility identified pursuant to paragraph (1) by a specified date, the Federal transmitting utility responsible for the identification shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under paragraph (3).

''(3) BONDING AUTHORITY.—

''(A) IN GENERAL.—A Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of $10,000,000,000, to finance the construction of transmission facilities identified pursuant to paragraph (1) for the principal purposes of—

''(i) increasing the generation of electricity from renewable energy; and

''(ii) conveying that electricity to an electricity consuming area.

''(B) RECOVERY OF COSTS.—A Federal transmitting utility shall recover the costs of renewable electricity connection facilities financed pursuant to paragraph (2) from entities using the transmission facilities over a period of 50 years.

''(C) NONLIABILITY OF CERTAIN CUSTOMERS.—Individuals and entities that, as of the date of enactment of this subpart, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electricity, of renewable electricity connection facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the Federal transmitting utility.

''(d) OPERATION OF HIGH-VOLTAGE TRANSMISSION LINES USING RENEWABLE ENERGY RESOURCES.—

''(1) PUBLIC UTILITIES FINANCING LIMITATION.—The regulations promulgated pursuant to subsection (a) shall, to the maximum extent practicable, ensure that not less than 75 percent of the capacity of any high-voltage transmission lines financed pursuant to this section is used for electricity from renewable energy.

''(2) NON-PUBLIC UTILITIES ACCESS LIMITATION.—Notwithstanding section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), the Commission shall promulgate regulations to ensure, to the maximum extent practicable, that not less than 75 percent of the capacity of high-voltage transmission facilities sited primarily or partially on Federal land and constructed after the date of enactment of this subpart is used for electricity from renewable energy.

''SEC. 234. FEDERAL POWER MARKETING AGENCIES.

''(a) PROMOTION OF RENEWABLE ENERGY AND ENERGY EFFICIENCY.—Each Federal transmitting utility shall—

''(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility;

''(2) use the purchasing power of the Federal transmitting utility to acquire, on behalf of the Federal Government, electricity

from renewable energy and renewable energy credits in sufficient quantities to meet the requirements of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852); and

''(3) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land.

''(b) WIND INTEGRATION PROGRAMS.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

''(1) take into account the intermittent nature of wind electric generation; and

''(2) do not impair electric reliability.

''(c) SOLAR INTEGRATION PROGRAM.—Each of the Federal Power Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic concentrating solar systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Administrations and Tennessee Valley Authority, that—

''(1) take into account the solar energy cycle;

''(2) maximize the use of Federal land for generation or energy storage, where appropriate; and

''(3) do not impair electric reliability.

''(d) GEOTHERMAL INTEGRATION PROGRAM.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as non-grid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

''(1) maximize the use of Federal land for the projects and activities;

''(2) displace fossil fuel baseload generation or petroleum imports; and

''(3) improve electric reliability.

''(e) RENEWABLE ELECTRICITY AND ENERGY SECURITY PROJECTS.—

''(1) IN GENERAL.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the National Association of Regulatory Utility Commissioners, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the utilities to acquire and demonstrate grid-enabled and nongrid-enabled plug-in electric and hybrid electric vehicles and related technologies as part of their fleets of vehicles.

''(2) INCREASE IN RENEWABLE ENERGY USE.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.''.

(b) TRANSMISSION COST ALLOCATION.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the following:

''(f) TRANSMISSION COST ALLOCATION.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the President designates an area as a national renewable energy zone under section 232, the State utility commissions or other appropriate bodies having jurisdiction over the public utilities providing service in the national renewable energy zone or an adjacent electricity consuming area may jointly propose to the Commission a cost allocation plan for high-voltage electric transmission facilities built by a public utility transmission provider that would serve the electricity consuming area.

''(2) APPROVAL.—The Commission may approve a plan proposed under paragraph (1) if the Commission determines that—

''(A) taking into account the users of the transmission facilities, the plan will result in rates that are just and reasonable and not unduly discriminatory or preferential; and

''(B) the plan would not unduly inhibit the development of renewable energy electric generation projects.

''(3) COST ALLOCATION.—Unless a plan is approved by the Commission under paragraph (2), the Commission shall fairly allocate the costs of new high-voltage electric transmission facilities built in the area by 1 or more public utility transmission providers (recognizing the national and regional benefits associated with increased access to electricity from renewable energy) pursuant to a rolled-in transmission charge.

''(4) FEDERAL TRANSMITTING UTILITY.—Nothing in this subsection expands, directly or indirectly, the jurisdiction of the Commission with respect to any Federal transmitting utility.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3 of the Federal Power Act (42 U.S.C. 796) is amended by adding at the end the following:

''(30) ELECTRIC DRIVE VEHICLE.—

''(A) IN GENERAL.—The term 'electric drive vehicle' means a vehicle that uses—

''(i) an electric motor for all or part of the motive power of the vehicle; and

''(ii) off-board electricity wherever practicable.

''(B) INCLUSIONS.—The term 'electric drive vehicle' includes—

''(i) a battery electric vehicle;

''(ii) a plug-in hybrid electric vehicle; and

''(iii) a plug-in hybrid fuel cell vehicle.''.

(2) Subpart A of part II of the Federal Power Act (as redesignated by subsection (a)) is amended—

(A) in the heading of section 201, by striking ''PART'' and inserting ''SUBPART''; and

(B) by striking ''this Part'' each place it appears and inserting ''this subpart''.

SA 1737. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102, redesignate paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (4), (5), (13), (16), (17), and (18), respectively.

In section 102, between paragraphs (1) and (4) (as so redesignated), insert the following:

(2) ADVANCED RENEWABLE FUEL.—The term ''advanced renewable fuel'' means—

(A) advanced biofuel; or

(B) renewable electric fuel.

(3) BATTERY.—The term ''battery'' means an energy storage device used in an onroad vehicle or nonroad vehicle powered, in whole or in part, using an off-board or on-board source of electricity.

In section 102, between paragraphs (5) and (13) (as so redesignated), insert the following:

(6) ELECTRIC DRIVE VEHICLE.—

(A) IN GENERAL.—The term ''electric drive vehicle'' means a vehicle that uses—

(i) an electric motor for all or part of the motive power of the vehicle; and

(ii) off-board electricity.

(B) INCLUSIONS.—The term ''electric drive vehicle'' includes—

(i) a battery electric vehicle;

(ii) a plug-in hybrid electric vehicle; and

(iii) a plug-in hybrid fuel cell vehicle.

(7) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

(8) 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).

(9) INCREMENTAL HYDROPOWER.—

(A) IN GENERAL.—The term ''incremental hydropower'' means additional energy generated as a result of an efficiency improvement or capacity addition made on or after January 1, 2003, to an existing hydropower facility, as measured on the basis of the same water flow information that is used to determine the historic average annual generation baseline for the hydropower facility and certified by the Secretary or the Federal Energy Regulatory Commission.

(B) EXCLUSION.—The term ''incremental hydropower'' does not include additional energy generated as a result of operational changes not directly associated with an efficiency improvement or capacity addition.

(10) OCEAN ENERGY.—The term ''ocean energy'' includes current, wave, tidal, and thermal energy.

(11) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an onroad vehicle or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an onboard, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(12) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

In section 102, between paragraphs (13) and (16) (as so redesignated), insert the following:

(14) RENEWABLE ELECTRIC FUEL.—The term ''renewable electric fuel'' means renewable energy from electricity that is used to power a vehicle.

(15) RENEWABLE ENERGY.—The term ''renewable energy'' means electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

(A) solar, wind, or geothermal energy;

(B) ocean energy;

(C) incremental hydropower;

(D) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(E) landfill gas.

In section 102(16)(A) (as so redesignated), strike clause (i) and insert the following:

(i) produced from—

(I) renewable biomass; or

(II) renewable energy; and

In section 102(16)(B), strike clauses (i) and (ii) and insert the following:

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) renewable electric fuel.

At the end of section 111(a)(1), add the following:

(D) REGULATIONS FOR RENEWABLE ELECTRIC FUEL.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to incorporate renewable electric fuel into the renewable fuel program established under this title.

(ii) AUDITING AND CERTIFICATION PROCEDURES.—The regulations promulgated under clause (i) shall include auditing and certification procedures for verifying that renewable electricity is being used as a motor fuel under the renewable fuel program.

(iii) AWARDING OF RENEWABLE FUEL CREDITS.—The President shall award renewable fuel credits to renewable electric fuel producers and distributors only if the producer or distributor demonstrates through the established certification procedures that renewable electric fuel is being used as a motor fuel.

In section 111(a)(2)(A)(ii), strike ''biofuels'' each place it appears and insert ''renewable fuels''.

In section 111(a)(2)(B)(ii), strike ''biofuels'' and insert ''renewable fuels''.

At the end of section 111(c), add the following:

(4) ENERGY CONTENT RELATIVE FOR RENEWABLE ELECTRIC FUEL.—The conversion factor of renewable electric fuel shall be 6.4 kilowatt hours of renewable electricity per gallon of renewable fuel, unless the President establishes a different conversion factor by regulation.

SA 1738. Mr. COLEMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. LOCAL OWNERSHIP OF BIOREFINERIES.

''(a) DEFINITIONS.—In this section:

''(1) BIOREFINERY.—The term 'biorefinery' has the meaning given the term in section 9003(b).

''(2) ELIGIBLE PURCHASER.—The term 'eligible purchaser', with respect to a biorefinery, means—

''(A) a natural person with a principal residence that is located not more than 50 miles from the biorefinery; or

''(B) a farmer or rancher cooperative.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of a biorefinery that is financed, refinanced, or financially supported, in whole or in part, using a loan, loan guarantee, or grant made by a Federal agency on or after the date of enactment of this section, as a condition of the receipt of the loan, loan guarantee, or grant, the recipient shall provide eligible purchasers with an opportunity to participate in the financing or ownership of the biorefinery in accordance with this section.

''(2) FARMERS AND RANCHER COOPERATIVES.—If the recipient of a loan, loan guarantee, or grant made by a Federal agency under paragraph (1) is a farmer or rancher cooperative, it fulfills the requirement in paragraph (1) above. However, the farmer or rancher cooperative may provide eligible purchasers with an opportunity to participate in the financing or ownership of the biorefinery in accordance with this section.

''(3) LEVEL OF FEDERAL SUPPORT.—Paragraph (1) shall apply to a biorefinery only if not less than 3 percent of the total amount of funds that is used to finance, refinance, or financially support the biorefinery is derived from Federal funds.

''(c) TERMS AND CONDITIONS.—To be eligible to receive a loan, loan guarantee, or grant from a Federal agency in connection with a biorefinery, the recipient—

''(1) during the 60-day period beginning on the date of receipt of the loan, loan guarantee, or grant by the recipient, shall permit eligible purchasers to participate in the financing or ownership of the biorefinery on the conditions that—

''(A) eligible purchasers, collectively, be allowed to invest not less than 40 percent of the projected total amount of non-Federal funds that will be used to construct or expand the biorefinery; and

''(B) an individual eligible purchaser be allowed to invest not more than 2.5 percent of the projected total amount of non-Federal funds that will be used to construct or expand the biorefinery;

''(2) shall provide to eligible purchasers competitive terms and conditions that are no less favorable than the terms and conditions that are offered for funding for similar recipients or classes of recipients or, if there are no similar recipients or classes of recipients, other entities with similar risk characteristics, as determined by the Secretary;

''(3) if the amount of funding offered by eligible purchasers for a biorefinery exceeds the amount that is solicited by a recipient, may—

''(A) accept all such offered amounts; or

''(B) award the amounts on a competitive basis; and

''(4) shall conduct the financing or refinancing of the biorefinery in accordance with Federal law (including Federal law governing securities).''.

SA 1739. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 1, strike ''$1.11'' and insert ''$1.28''.

SA 1740. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 180, strike line 23 and all that follows through page 181, line 9, and insert the following:

''(2) CARBON CAPTURE DEMONSTRATION PROJECTS.—

''(A) IN GENERAL.—The Secretary shall carry out a demonstration of not less than 5 large-scale carbon dioxide capture technologies developed by appropriate applicants, as selected by the Secretary, including any—

''(i) precombustion technology;

''(ii) postcombustion technology;

''(iii) oxy-fuel combustion technology; and

''(iv) other promising new technology, as determined by the Secretary.

''(B) FACILITIES.—The Secretary shall select 1 or more appropriate sites and facilities to test each technology selected under subparagraph (A).

''(C) LINKAGE TO STORAGE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, may require the carbon dioxide captured from each demonstration project carried out under subparagraph (A) to be used in large-scale carbon dioxide sequestration demonstration projects.

SA 1741. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE — COASTAL AND OCEAN DEVELOPMENT GRANTS

SEC. —01. COASTAL AND OCEAN ASSISTANCE FOR STATES FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Coastal and Ocean Assistance for States Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

SEC. —02. COASTAL AND OCEAN ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall—

(1) establish a grant program to provide grants to eligible coastal States in accordance with this title; and

(2) make 85 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE COASTAL STATES.—To be eligible for a grant under the program, a coastal State shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) include in its application a multi-year plan, subject to approval by the Secretary, for the use of funds received under the grant program;

(3) demonstrate to the satisfaction of the Secretary that it has established a trust fund, or other accounting measures, subject

to approval by the Secretary, to ensure the accurate accounting of funds received under the grant program, to administer funds received under the grant program;

(4) specify in its application how it will allocate any funds received under the grant program among—

(A) coastal zone management activities;

(B) coastal and estuarine land protection;

(C) living marine resource activities;

(D) relocation of threatened coastal villages;

(E) natural resources enhancements;

(F) mitigation of impacts from offshore activities;

(G) coastal damage prevention and restoration;

(H) coastal zone management education; and

(I) management costs associated with eligible activities under section —03; and

(4) describe in its application each activity to be financed, in whole or in part, with funds provided by the grant.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate grants under the program among the eligible coastal States according to a formula under which—

(A) 31 percent of the funds are allocated equally among coastal States that have a coastal management program approved under to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(B) 31 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a State to the tidal shoreline miles of all States;

(C) 31 percent of the funds are allocated on the basis of the ratio of coastal population of a State to the coastal population of all States; and

(D) 7 percent of the funds are allocated on the basis of the ratio of—

(i) the square miles of national marine sanctuaries, marine monuments, and national estuarine research reserves within the seaward boundaries of a an eligible coastal State, to

(ii) to the total square miles of all such sanctuaries, monuments, and reserves within the seaward boundaries of all eligible coastal States.

(2) TERRITORIES.—For purposes of paragraph (1), Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be treated collectively as a single State.

(3) REALLOCATION.—If, at the end of any fiscal year, funds available for distribution under the program remain unexpended and unobligated, the Secretary may—

(A) carry such remaining funds forward for not more than 3 fiscal years; and

(B) reallocate any such remaining funds among eligible coastal States in accordance with the formula described in paragraph (1).

(d) LOCAL GOVERNMENT SHARE.—In awarding grants under the program, the Secretary shall ensure that not less than 20 percent of the funds made available to a State in each fiscal year pursuant to this title shall be made available to coastal local governments of such State to carry out eligible activities under section —03.

SEC. —03. ELIGIBLE USE OF FUNDS.

Grant funds under section —02 may only be used for—

(1) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(2) coastal and estuarine land protection, including the protection of the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses;

(3) efforts to protect and manage living marine resources, including fisheries, research, management, and enhancement;

(4) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments, and national estuarine research reserves;

(5) mitigation, restoration, protection, and relocation of threatened native and rural coastal communities;

(6) mitigation of the effects of offshore activities, including environmental restoration;

(7) efforts to protect and restore coastal lands and wetlands, and to restore or prevent damage to wetlands in the coastal zone and coastal estuaries to lands, life, and property;

(8) long-range coastal and ocean research and education, and natural resource management; or

(9) regional multi-State management efforts designed to manage, protect, or restore the coastal zone and ocean resources.

SEC. —04. FISH AND WILDLIFE IMPROVEMENT GRANTS.

Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall—

(1) establish by regulation a grant program to provide grants to States to manage, protect, and improve fish and wildlife habitat; and

(2) make 10 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE STATES.—To be eligible to participate in the grant program, a State shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

SEC. —05. ADMINISTRATION.

Except as otherwise expressly provided in this title, not more than 5 percent of the amounts available in the Fund for a fiscal year may be used by the Secretary for administrative expenses and for activities and programs related to the protection of coastal, fishery, and ocean resources.

SEC. —06. AUDITS.

The Secretary shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this title as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. —07. DISPOSITION OF FUNDS.

Notwithstanding any other provision of this title, a coastal State or local government may use funds received under this title to make any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SEC. —08. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq) as of the date of enactment of this Act.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

(3) The term ''Fund'' means the Coastal and Ocean Assistance for States Fund established by section —01(a).

(4) LOCAL GOVERNMENT.—The term ''local government'' means a political subdivision all or part of which is within a coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453(1))) as of the date of enactment of this Act.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(6) STATE.—The term ''State'' means—

(A) each of the several States;

(B) the District of Columbia; and

(C) Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(7) TIDAL SHORELINE.—The term ''tidal shoreline'' has the same meaning as when used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, as that section is in effect as of the date of enactment of this Act.

TITLE —OCEAN POLICY TRUST FUND

SEC. —01. OCEAN POLICY TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Ocean Policy Trust Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year—

(1) amounts in the aggregate not in excess of 95 percent of the amounts available in the Fund for that fiscal year for grants under this title; and

(2) such sums as may be necessary, not in excess of 5 percent of the amounts available in the Fund for that fiscal year, to the Secretary of Commerce for administrative expenses of managing the grant program established by section —03 of this title.

(d) REVERSION.—Unless otherwise provided in the grant terms, any grant funds that are not obligated nor expended at the end of the 2-year period beginning on the date on which the grant funds become available to the grantee shall be returned to the Fund.

SEC. —02. OCEAN POLICY TRUST FUND COUNCIL.

(a) MEMBERSHIP.—

(1) An Ocean Policy Trust Fund Council is established which shall consist of 12 members as follows:

(A) The Under Secretary of Commerce for Oceans and Atmosphere.

(B) The Assistant Administrator of the National Marine Fisheries Service.

(C) The Assistant Administrator of the National Ocean Service.

(D) An employee of the Department of the Interior with expertise in ocean resource management, to be designated by the Secretary of the Interior.

(E) 4 representatives of the oil and gas industry or the commercial fishing industry, to be appointed by the Secretary of Commerce, of whom—

(i) 1 shall be appointed to represent the East Coast, 1 shall be appointed to represent the Gulf of Mexico, 1 shall be appointed to represent the West Coast, and 1 shall be appointed to represent Alaska; and

(ii) at least 2 of whom shall represent the commercial fishing industry.

(F) 2 representatives of non-profit conservation organizations, appointed by the Secretary of Commerce.

(G) 2 representatives of academia with ocean science credentials, appointed by the Secretary of Commerce.

(b) APPOINTMENT AND TERMS.—

(1) Except as provided in paragraphs (2), (3), and (4), the term of office of a member of the Council appointed under subsection (a)(1)(E), (a)(1)(F), or (a)(1)(G) of this section is 3 years.

(2) Of the Council members first appointed under subsection (a)(1)(E) of this section, 1 shall be appointed for a term of 1 year and 1 shall be appointed for a term of 2 years.

(3) Of the Council members first appointed under subsection (a)(1)(F) of this section, 1 shall be appointed for a term of 2 years.

(4) Of the Council members first appointed under subsection (a)(1)(G) of this section, 1 shall be appointed for a term of 1 year and one shall be appointed for a term of 2 years.

(5) Whenever a vacancy occurs among members of the Council appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section, the Secretary shall appoint an individual in accordance with that subparagraph to fill that vacancy for the remainder of the applicable term.

(c) CHAIRMAN.—The Council shall have a Chairman, who shall be elected by the Council from its members. The Chairman shall serve for a 3-year term, except that the first Chairman may be elected for a term of less than 3 years, as determined by the Council.

(d) QUORUM.—8 members of the Council shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Council shall meet at the call of the Chairman at least once per year. Council meetings shall be open to the public, and the Chairman shall take appropriate steps to provide adequate notice to the public of the time and place of such meetings. If a Council member appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section misses 3 consecutively scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(5) of this section.

(f) COORDINATOR.—The Under Secretary shall appoint an individual, who shall serve at the pleasure of the Administrator—

(1) to be responsible, with assistance from the National Oceanic and Atmospheric Administration, for facilitating consideration of Fund grant applications by the Council and otherwise assisting the Council in carrying out its responsibilities; and

(2) who shall be compensated with the funds appropriated under section —01(c)(2) of this title.

(g) FUNCTIONS.—The Council shall—

(1) receive and review grant applications under section —03; and

(2) make recommendations to the Senate Appropriations Committee and the House of Representatives Appropriations Committee concerning—

(A) which grant requests should be funded;

(B) the amount of each such grant request that should be funded; and

(C) whether the Congress should impose any specific requirements, conditions, or limitations on a grant recommended for funding.

SEC. —03. OCEAN POLICY TRUST FUND GRANT PROGRAM.

(a) IN GENERAL.—There is established a grant program under which grants are to be funded, as provided by appropriations Acts, from amounts in the Fund. The grant program shall be administered by the Secretary, who shall establish applications, review, oversight, and financial accountability procedures and administer any funds appropriated under subsection (b).

(b) AWARD BY APPROPRIATION.—Grants under the program shall be awarded by appropriations Act on the basis of the Council's recommendations.

(c) APPLICATIONS.—A State or local government, nonprofit conservation organization, or other person seeking a grant from the Fund shall submit an application, in accordance with the procedures established by the Secretary under subsection (a), to the Council—

(1) containing such information and assurances as the Secretary may require;

(2) describing how the grant proceeds will be allocated among—

(A) ocean protection activities;

(B) coastal zone management activities;

(C) coastal and estuarine land protection;

(D) living marine resource activities;

(E) natural resource enhancements;

(F) mitigation of impacts from offshore activities;

(H) ocean literacy and education; and

(3) describing with specificity the purpose for which the grant will be used.

(d) ELIGIBLE PURPOSES.—A grant under the program may be used for—

(1) efforts to protect and manage living marine resources and their habitat, including fisheries, fisheries enforcement, research, management, and enhancement;

(2) programs and activities in coordination with the National Oceanic and Atmospheric Administration or the Department of Interior designed to improve or complement the management and mission of national marine sanctuaries, marine monuments and national estuarine research reserves;

(3) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(4) coastal and estuarine land protection and erosion control, including protection of the environmental integrity of important coastal and estuarine areas; and

(5) mitigation of the effects of offshore activities, including environmental restoration.

SEC. —04. DEFINITIONS.

In this title:

(1) COUNCIL.—The term ''Council'' means the Ocean Policy Trust Fund Council established by section —02.

(2) FUND.—The term ''Fund'' means the Ocean Policy Trust Fund established by section —01.

(3) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

○

SA 1742. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPINOFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) TERMINATION LIABILITY.—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan)

in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) DEFINITIONS.—For purposes of this subsection—

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term ''adjusted unfunded benefit liabilities'' means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term ''fractional portion'' means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) OTHER DEFINITIONS.—For purposes of this section—

(1) APPLICABLE PENSION PLAN.—The term ''applicable pension plan'' means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term ''allocable portion'' means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An ''eligible employer'' is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

SA 1743. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX-EXEMPT TREATMENT OF CERTAIN BONDS ISSUED BY CERTAIN JOINT ACTION AGENCIES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, with respect to the issuance of any bond after the date of the enactment of this Act by any joint action agency described in subsection (b), if such bond satisfies the requirements of subsection (c) then—

(1) such bond shall be treated as issued by a political subdivision for purposes of section 103 of such Code, and

(2) the sale or transmission of power by such agency to its members shall not result in such bond being treated as a private activity bond under section 141 of such Code.

(b) AGENCY DESCRIBED.—An agency is described in this subsection if such agency is established under State law on December 1, 2000, or July 26, 2005, for the purpose of participating in the ownership, design, construction, operation, and maintenance of 1 or more generating or transmission facilities and has the powers and immunities of a public utility, and such agency's membership includes at least 1 municipal utility.

(c) BOND REQUIREMENTS.—A bond issued as part of an issue satisfies the requirements of this subsection if the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of bonds previously issued pursuant to this section by all agencies described in subsection (b), does not exceed $1,000,000,000. An agency established under State law in 2005 shall not expend any portion of the final 25 percent of that portion available to such agency of the initial authorization of $1,000,000,000 without the approval of at least 80 percent of the agency's board of directors.

SA 1744. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 611. INVESTIGATION OF GASOLINE PRICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, based on weekly data published by the Energy Information Administration of the Department of Energy, the average weekly price of gasoline in a State or urban area increases 20 percent or more at least 3 times in any 3-month period, the Federal Trade Commission shall examine the causes and initiate an investigation, if necessary, into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 30 days after the completion of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

SA 1745. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. COMMISSION ON RENEWABLE ENERGY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on Renewable Energy'' (referred to in this section as the ''Commission'')—

(1) to advise Congress on—

(A) issues relating to renewable energy research and development; and

(B) policies relating to the expansion of the use of renewable energy in the energy markets of the United States; and

(2) to facilitate collaboration among Federal agencies relating to the execution of national renewable energy objectives.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) the Secretary (or a designee);

(B) the Secretary of Agriculture (or a designee);

(C) the Secretary of Commerce (or a designee);

(D) the Administrator of the National Oceanic and Atmospheric Administration (or a designee);

(E) the Director of the National Science Foundation (or a designee);

(F) the Director of the Office of Science and Technology Policy (or a designee);

(G) the Director of the Office of Management and Budget (or a designee); and

(H) 7 representatives selected in accordance with paragraph (3), to be comprised of representatives of—

(i) national laboratories;

(ii) State laboratories;

(iii) industry;

(iv) trade groups; and

(v) State agencies.

(2) ELIGIBILITY OF DESIGNEES.—To serve as a member of the Commission, an individual designated to serve under subparagraphs (A) through (G) of paragraph (1) shall be of a position not lower than Assistant Secretary (or an equivalent position).

(3) REPRESENTATIVES.—

(A) SELECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with each individual described in subparagraphs (A) through (G) of paragraph (1), shall select representatives from each group described in subparagraph (H) to serve as members of the Commission.

(B) QUALIFICATIONS.—A representative selected under subparagraph (A) shall be an individual who, by reason of professional background and experience, is specially qualified to serve as a member of the Commission.

(C) TERM.—A representative selected under subparagraph (A) shall serve for a term of 4 years.

(D) TREATMENT.—A representative selected under subparagraph (A) shall—

(i) serve without compensation; and

(ii) be considered an employee of the Federal Government in the performance of those services for the purposes of—

(I) chapter 81 of title 5, United States Code; and

(II) chapter 171 of title 28, United States Code.

(c) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson, but not less often than quarterly.

(2) FORM OF MEETINGS.—The Commission may meet in person or through electronic means.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON.—

(1) SELECTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall select a Chairperson—

(i) from among the members of the Commission; and

(ii) through a unanimous vote of approval.

(B) INITIAL SELECTION.—The Secretary shall select the initial Chairperson.

(2) TERM.—The Chairperson shall serve for a term of 6 years.

(g) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) promote research and development of renewable energy, including—

(i) wind energy;

(ii) wave energy;

(iii) solar energy;

(iv) geothermal energy; and

(v) the production of biofuels (with particular emphasis on the production of biofuels based on cellulosic fuels);

(B) identify and recommend public and private research institutions to carry out that research and development; and

(C) in consultation with renewable energy experts regarding renewable energy policies, develop policy recommendations for Federal agencies.

(2) STUDIES.—Not later than 90 days after the date on which the Commission holds the initial meeting of the Commission, and every 4 years thereafter, the Chairperson of the Commission, acting through the Secretary, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess, for the period covered by the study, issues relating to—

(A) any advancement made relating to renewable energy; and

(B) the adoption of each advancement described in subparagraph (A) into the energy markets of the United States.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that contains—

(A) a detailed statement describing each activity carried out by the Commission; and

(B) the recommendations of the Commission relating to the funding of research for the development of renewable energy by—

(i) the Federal Government;

(ii) the industrial sector of the United States; and

(iii) any other country.

(h) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers 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) CONFIDENTIALITY.—Any information provided by a Federal agency to the Commission under this paragraph shall be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code, if the Federal agency obtained the information from an entity other than a Federal agency.

(3) 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.

(4) GIFTS.—

(A) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(B) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that describes each gift received by each member of the Commission during the period covered by the report.

(i) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(j) BUDGET SUBMISSION.—The Secretary shall include the budget of the Commission in the annual budget submission of the Secretary to Congress.

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

(l) TERMINATION OF COMMISSION.—The Commission shall terminate on October 1, 2016.

SA 1746. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) ENERGY DISASTER LOAN PROGRAM.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4) ENERGY EMERGENCIES.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

''(iv) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

''(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

''(E) DECLARATIONS.—For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(2) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting '', significant increase in the price of heating fuel'' after ''civil disorders''; and

(B) by inserting ''other'' before ''economic''.

(3) EFFECTIVE PERIOD.—The amendments made by this subsection shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under subsection (b).

(b) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the

Secretary, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act, as added by this Act.

(c) REPORTS.—Not later than 12 months after the date on which the Administrator issues guidelines under subsection (b), and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(d) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration; and

(2) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

SA 1747. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION OF PIPELINES AND CARBON DIOXIDE SEQUESTRATION FACILITIES.

(1) IN GENERAL.—The Secretary, in coordination with the Federal Energy Regulatory Commission, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, shall conduct a study to assess the feasibility of the construction of—

(A) pipelines to be used for the transportation of carbon dioxide; and

(B) carbon dioxide sequestration facilities.

(2) SCOPE.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) 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—

(i) the construction of pipelines to be used for the transportation of carbon dioxide; or

(ii) the underground sequestration of carbon dioxide;

(B) any market risk (including throughput risk) relating to—

(i) the construction of pipelines to be used for the transportation of carbon dioxide; or

(ii) the underground sequestration of carbon dioxide;

(C) any regulatory, financing, or siting option that, as determined by the Secretary, would—

(i) mitigate any market risk described in subparagraph (B); or

(ii) help ensure the construction of pipelines dedicated to the transportation of carbon dioxide;

(D) the means by which to ensure the safe transportation of carbon dioxide;

(E) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide; and

(F) any other appropriate issue, as determined by the Secretary.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,0000 for each of fiscal years 2008 and 2009.

SA 1748. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL INCENTIVES FOR PRODUCTION OF WIND ENERGY.

(a) INCOME FROM WIND ENERGY TREATED AS QUALIFYING INCOME.—Paragraph (1) of section 7704(d) (relating to qualifying income) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end fo subparagraph (G) and inserting '', and'', and by inserting after subparagraph (G) the following new subparagraph:

''(H) income and gains derived from the production of electricity from wind.''.

(b) EXCLUSION FROM LIMITATION ON PASSIVE ACTIVITY CREDITS.—Clause (i) of section 469(d)(2)(A) (relating to separate application of passive activity losses and credits in case of publicly traded partnerships) is amended by inserting ''(other than the portion of the credit under section 45(a) which is attributable to energy produced at a qualified facility described in section 45(d)(1))'' after ''subchapter A''.

(c) QUALIFIED NONRECOURSE FINANCING OF WIND ENERGY PROPERTY TREATED AS AT RISK.—

(1) IN GENERAL.—Subparagraphs (A) and (B) of section 465(b)(6) (relating to qualified nonrecourse financing treated as amount at risk) is amended by inserting ''or renewable energy property'' after ''real property'' each place it appears.

(2) RENEWABLE ENERGY PROPERTY.—Section 465(b) is amended by adding at the end the following new subparagraph:

''(C) RENEWABLE ENERGY PROPERTY.—For purposes of this paragraph, the term 'renewable energy property' means property held for the purpose of producing energy from wind.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 1749. Mr. BOND submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 15 and 16, insert the following:

SEC. 234. STANDARDS FOR SMALL-DUCT HIGH-VELOCITY AIR CONDITIONING AND HEAT PUMP SYSTEMS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(C) Small-Duct High-Velocity (SDHV) Systems: 11.00 for products manufactured on or after January 23, 2006.''; and

(2) in paragraph (2), by adding at the end the following:

''(C) Small-Duct High-Velocity (SDHV) Systems: 6.80 for products manufactured on or after January 23, 2006.''.

SA 1750. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 179C (relating to election to expense certain refineries) is amended by striking ''50 percent of''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

SEC. ___. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. _____. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking ''$2,000,000'' and inserting ''$20,000''.

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

''(c) WHISTLEBLOWER OFFICE.—

''(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

''(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

''(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

''(C) shall monitor any action taken with respect to such matter,

''(D) shall inform such individual that it has accepted the individual's information for further review,

''(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

''(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

''(G) shall determine the amount to be awarded to such individual under subsection (b).

''(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

''(3) REQUEST FOR ASSISTANCE.—

''(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

''(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

''(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

''(1) an analysis of the use of this section during the preceding year and the results of such use, and

''(2) any legislative or administrative recommendations regarding the provisions of this section and its application.''.

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

''(4) APPEAL OF AWARD DETERMINATION.—

''(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

''(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. ___. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

''(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

''(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

''(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

''(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

''In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 1751. Mr. CRAPO (for himself, Mr. CRAIG, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES NOT SUBJECT TO PRIVATE BUSINESS USE TEST.

(a) IN GENERAL.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR CERTAIN ELECTRIC TRANSMISSION FACILITIES.—For purposes of the 1st sentence of subparagraph (A), the operation or use of an electric transmission facility by any person which is not a governmental unit shall not be considered a private business use if—

''(i) the facility is placed in service on or after the date of the enactment of this subparagraph and is owned by—

''(I) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing providing electric service, directly or indirectly to the public, or

''(II) a State or political subdivision of a State expressly authorized under applicable State law effective on or after January 1, 2004, to finance and own electric transmission facilities, and

''(ii) bonds for such facility are issued before the date which is 5 years after the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 1752. Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, after line 12, insert the following:

(d) PRIORITY FOR UNIVERSITY PARTNERSHIPS.—Subsection (d) of section 48B (relating to qualifying gasification project program) is amended by adding at the end the following new paragraph:

''(4) UNIVERSITY PARTNERSHIPS.—In determining which qualifying gasification projects to certify under this subsection, the Secretary may give priority to otherwise qualifying projects that also include collaborative research and education partnerships with universities in which—

''(A) the university has demonstrated active involvement in successful use of biomass fuels,

''(B) the project will provide electricity, synthetic gas, steam, heating, or cooling to the university from a facility with a nameplate generation capacity of at least 20 megawatts or equivalent,

''(C) the project will provide the opportunity for applied university research, demonstration, technical education, and certification in gasification technology and applications of the use of biomass fuel, and

''(D) the research associated with the project involves the goal of reducing greenhouse gas emissions.''.

SA 1753. Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table, as follows:

At the end, add the following:

TITLE VIII—NUCLEAR WASTE ACCESS TO YUCCA

SEC. 801. SHORT TITLE.

This title may be cited as the ''Nuclear Waste Access to Yucca Act''.

SEC. 802. DEFINITIONS.

In this title:

(1) DISPOSAL.—The term ''disposal'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) PROJECT.—The term ''Project'' means the Yucca Mountain Project.

(4) REPOSITORY.—The term ''repository'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(6) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(7) YUCCA MOUNTAIN SITE.—The term ''Yucca Mountain site'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

SEC. 803. WITHDRAWAL OF LAND.

(a) LAND WITHDRAWAL; JURISDICTION; RESERVATION; ACQUISITION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this title, the land described in subsection (b) is withdrawn permanently from any form of entry, appropriation, or disposal under the public land laws, including, without limitation—

(A) the mineral leasing laws;

(B) the geothermal leasing laws;

(C) materials sales laws; and

(D) the mining laws.

(2) JURISDICTION.—As of the date of enactment of this Act, any land described in subsection (b) that is under the jurisdiction of the Secretary of the Air Force or the Secretary of the Interior shall be—

(A) transferred to the Secretary; and

(B) under the jurisdiction of the Secretary.

(3) RESERVATION.—The land described in subsection (b) is reserved for use by the Secretary for activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), including—

(A) development;

(B) preconstruction testing and performance confirmation;

(C) licensing;

(D) construction;

(E) management and operation;

(F) monitoring;

(G) closure and post-closure; and

(H) other such activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) LAND DESCRIPTION.—

(1) BOUNDARIES.—The land referred to in subsection (a) is the approximately 147,000 acres of land located in Nye County, Nevada, as generally depicted on the map relating to the Project, numbered YMP–03–024.2, entitled ''Proposed Land Withdrawal'', and dated July 21, 2005.

(2) LEGAL DESCRIPTION AND MAP.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(i) publish in the Federal Register a notice containing a legal description of the land described in this subsection; and

(ii) provide to Congress, the Governor of the State of Nevada, and the Archivist of the United States—

(I) a copy of the map referred to in paragraph (1); and

(II) the legal description of the land.

(B) TREATMENT.—

(i) IN GENERAL.—The map and legal description referred to in subparagraph (A) shall have the same force and effect as if the map and legal description were included in this title.

(ii) TECHNICAL CORRECTIONS.—The Secretary of the Interior may correct any clerical or typographical error in the map and legal description referred to in subparagraph (A).

(c) REVOCATIONS.—

(1) PUBLIC LAND ORDER.—Public Land Order 6802, dated September 25, 1990 (as extended by Public Land Order 7534), and any condition or memorandum of understanding accompanying the land order (as so extended), is revoked.

(2) RIGHT OF WAY.—The rights-of-way reservations relating to the Project, numbered N–48602 and N–47748 and dated January 5, 2001, are revoked.

(d) MANAGEMENT OF WITHDRAWN LAND.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, shall manage the land withdrawn under subsection (a)(1) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this title; and

(C) other applicable laws.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, shall develop and submit to Congress and the State of Nevada a management plan for the use of the land withdrawn under subsection (a)(1).

(B) PRIORITY.—Subject to subparagraphs (C), (D), and (E), use of the land withdrawn under subsection (a)(1) for an activity not relating to the Project shall be subject to such conditions and restrictions as the Secretary considers to be appropriate to facilitate activities relating to the Project.

(C) AIR FORCE USE.—The management plan may provide for the continued use by the Department of the Air Force of the portion of the land withdrawn under subsection (a)(1) located within the Nellis Air Force base test and training range under such terms and conditions as may be agreed to by the Secretary and the Secretary of the Air Force.

(D) NEVADA TEST SITE USE.—The management plan may provide for the continued use by the National Nuclear Security Administration of the portion of the land withdrawn under subsection (a)(1) located within the Nevada test site of the Administration under such conditions as the Secretary considers to be necessary to minimize any effect on activities relating to the Project or other activities of the Administration.

(E) OTHER USES.—

(i) IN GENERAL.—The management plan shall include provisions—

(I) relating to the maintenance of wildlife habitat on the land withdrawn under subsection (a)(1); and

(II) under which the Secretary may permit any use not relating to the Project, as the Secretary considers to be appropriate, in accordance with the requirements under clause (ii).

(ii) REQUIREMENTS.—

(I) GRAZING.—The Secretary may permit any grazing use to continue on the land withdrawn under subsection (a)(1) if the grazing use was established before the date of enactment of this Act, subject to such regulations, policies, and practices as the Secretary, in consultation with the Secretary of the Interior, determines to be appropriate, and in accordance with applicable grazing laws and policies, including—

(aa) the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (43 U.S.C. 315 et seq.);

(bb) title IV of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(cc) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(II) HUNTING AND TRAPPING.—The Secretary may permit any hunting or trapping use to continue on the land withdrawn under subsection (a)(1) if the hunting or trapping use was established before the date of enactment of this Act, at such time and in such zones as

the Secretary, in consultation with the Secretary of the Interior and the State of Nevada, may establish, taking into consideration public safety, national security, administration, and public use and enjoyment of the land.

(F) PUBLIC ACCESS.—

(i) IN GENERAL.—The management plan may provide for limited public access to the portion of the land withdrawn under subsection (a)(1) that was under the control of the Bureau of Land Management on the day before the date of enactment of this Act.

(ii) SPECIFIC USES.—The management plan may permit public uses of the land relating to the Nye County Early Warning Drilling Program, utility corridors, and other uses the Secretary, in consultation with the Secretary of the Interior, considers to be consistent with the purposes of the withdrawal under subsection (a)(1).

(3) MINING.—

(A) IN GENERAL.—Surface and subsurface mining and oil and gas production, including slant drilling from outside the boundaries of the land withdrawn under subsection (a)(1), shall be prohibited at any time on or under the land.

(B) EVALUATION OF CLAIMS.—The Secretary of the Interior shall evaluate and adjudicate the validity of any mining claim relating to any portion of the land withdrawn under subsection (a)(1) that was under the control of the Bureau of Land Management on the day before the date of enactment of this Act.

(C) COMPENSATION.—The Secretary shall provide just compensation for the acquisition of any valid property right relating to mining pursuant to the withdrawal under subsection (a)(1).

(4) CLOSURES.—If the Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, determines that the health and safety of the public or the national defense and security require the closure of a road, trail, or other portion of the land withdrawn under subsection (a)(1) (including the airspace above the land), the Secretary—

(A) may close the road, trail, or portion of land (including airspace); and

(B) shall provide to the public a notice of the closure.

(5) IMPLEMENTATION.—The Secretary and the Secretary of the Air Force or the Secretary of the Interior, as appropriate, shall implement the management plan developed under paragraph (2) under such terms and conditions as may be agreed to by the Secretaries.

SEC. 804. RECEIPT AND STORAGE FACILITIES.

Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) by striking ''If the President'' and inserting the following:

''(1) IN GENERAL.—If the President''; and

(2) by adding at the end the following:

''(2) APPLICATION FOR RECEIPT AND STORAGE FACILITIES.—

''(A) IN GENERAL.—In conjunction with the submission of an application for a construction authorization under this subsection, the Secretary shall apply to the Commission for a license in accordance with part 72 of title 10, Code of Federal Regulations (or a successor regulation), to construct and operate facilities to receive and store spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.

''(B) DEADLINE FOR FINAL DECISION BY COMMISSION.—The Commission shall issue a final decision approving or disapproving the issuance of the license not later than 18 months after the date of submission of the application to the Commission.''.

SEC. 805. REPEAL OF CAPACITY LIMITATION.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

SEC. 806. INFRASTRUCTURE ACTIVITIES.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by adding at the end the following:

''(g) INFRASTRUCTURE ACTIVITIES.—

''(1) CONSTRUCTION OF CONNECTED FACILITIES.—At any time after the completion by the Secretary of a final environmental impact statement that evaluates the activities to be performed under this subsection, the Secretary may commence the following activities in connection with any activity or facility licensed or to be licensed by the Commission at the Yucca Mountain site:

''(A) Preparation of the site for construction of the facility (including such activities as clearing, grading, and construction of temporary access roads and borrow areas).

''(B) Installation of temporary construction support facilities (including such items as warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and construction support buildings).

''(C) Excavation for facility structures.

''(D) Construction of service facilities (including such facilities as roadways, paving, railroad spurs, fencing, exterior utility and lighting systems, transmission lines, and sanitary sewerage treatment facilities).

''(E) Construction of structures, systems, and components that do not prevent or mitigate the consequences of possible accidents that could cause undue risk to the health and safety of the public.

''(F) Installation of structural foundations (including any necessary subsurface preparation) for structures, systems, and components that prevent or mitigate the consequences of possible accidents that could cause undue risk to the health and safety of the public.

''(2) AUTHORIZATION TO RECEIVE AND STORE.—

''(A) DEFINITIONS.—In this paragraph:

''(i) DEFENSE WASTE.—The term 'defense waste' means high-level radioactive waste, and spent nuclear fuel, that results from an atomic energy defense activity.

''(ii) LEGACY SPENT NUCLEAR FUEL.—The term 'legacy spent nuclear fuel' means spent nuclear fuel—

''(I) that is subject to a contract entered into pursuant to section 302; and

''(II) for which the Secretary determines that there is not at the time of the determination, and will not be within a reasonable time after the determination, sufficient domestic capacity available to recycle the spent nuclear fuel.

''(B) AUTHORIZATION FOR DEFENSE WASTE.—At any time after the issuance of a license for receipt and storage facilities under subsection (b)(2), the Secretary may transport defense waste to receipt and storage facilities at the Yucca Mountain site.

''(C) AUTHORIZATION FOR LEGACY SPENT NUCLEAR FUEL.—At any time after the issuance of a construction authorization under subsection (d) and the issuance of a license for receipt and storage facilities under subsection (b)(2), the Secretary may receive and store legacy spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.''.

SEC. 807. RAIL LINE.

(a) CONSTRUCTION OF RAIL LINE.—The Secretary shall acquire rights-of-way within the corridor designated in subsection (b) in accordance with this section, and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the site of surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement.

(b) ACQUISITION AND WITHDRAWAL OF LAND.—

(1) ROUTE DESIGNATION AND ACQUISITION.—

(A) RIGHTS-OF-WAY AND FACILITIES.—The Secretary shall acquire such rights-of-way and develop such facilities within the corridor referred to as ''X'' on the map dated [_____] and on file with the Secretary as are necessary to carry out subsection (a).

(B) RECOMMENDATIONS.—The Secretary shall consider specific alignment proposals for the route for the corridor made by the State of Nevada and the units of local government within whose jurisdiction the route is proposed to pass.

(C) NOTICE AND DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(i) publish in the Federal Register a notice containing a legal description of the corridor; and

(ii) file copies of the map referred to in paragraph (1) and the legal description of the corridor with—

(I) Congress;

(II) the Secretary of the Interior;

(III) the Governor of the State of Nevada;

(IV) the Board of County Commissioners of Lincoln County, Nevada;

(V) the Board of County Commissioners of Nye County, Nevada; and

(VI) the Archivist of the United States.

(D) ADMINISTRATION.—

(i) EFFECT.—The map and legal description referred to in subparagraph (C) shall have the same force and effect as if the map and legal description were included in this title.

(ii) CORRECTIONS.—The Secretary may correct clerical and typographical errors in the map and legal description and make minor adjustments in the boundaries of the corridor.

(2) WITHDRAWAL AND RESERVATION.—

(A) PUBLIC LAND.—Subject to valid existing rights, the public land depicted on the map referred to in paragraph (1)(C) is withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal laws, the material sale laws, and the mining laws.

(B) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land is transferred from the Secretary of the Interior to the Secretary.

(C) RESERVATION.—The land is reserved for the use of the Secretary for the construction and operation of transportation facilities and associated activities under title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.)

(D) MEMORANDUM OF UNDERSTANDING.—The Secretary may also enter into a memorandum of understanding with the head of any other agency having administrative jurisdiction over other Federal land used for purposes of the corridor referred to in paragraph (1)(A).

(c) ENVIRONMENTAL IMPACT.—

(1) IN GENERAL.—The Secretary shall comply with all applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to activities carried out under this section.

(2) CONSIDERATION OF POTENTIAL IMPACTS.—To the extent a Federal agency is required to consider the potential environmental impact of an activity carried out under this section, the Federal agency shall adopt, to the maximum extent practicable, an environmental

impact statement prepared under this section.

(3) EFFECT OF ADOPTION OF STATEMENT.—The adoption by a Federal agency of an environmental impact statement under paragraph (2) shall be considered to satisfy the responsibilities of the Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further consideration under that Act shall be required by the Federal agency.

SEC. 808. NEW PLANT CONTRACTS.

Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by striking paragraph (5) and inserting the following:

''(5) REQUIRED PROVISIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any contract entered into under this section shall provide that—

''(i) following issuance of a license to construct and operate facilities to receive and store spent nuclear fuel at the Yucca Mountain site, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and

''(ii) in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, shall dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in this subtitle.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), with respect to a nuclear power facility for which a license application is filed with the Commission after January 1, 2008, under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134), a contract entered into under this section shall—

''(i) except as provided in clause (ii) and any terms and conditions relating to spent nuclear fuel generated before the date of enactment of the Nuclear Fuel Management and Disposal Act, be consistent with the terms and conditions of the contract entitled 'Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste' that is included in section 961.11 of title 10 of the Code of Federal Regulations (as in effect on the date of enactment of the Nuclear Fuel Management and Disposal Act);

''(ii) provide for the taking of title to, and removal of, high-level waste or spent nuclear fuel beginning not later than 30 years after the date on which the nuclear power facility begins commercial operations; and

''(iii) be entered into not later than 60 days after the date on which the license application is docketed by the Commission.''.

SEC. 809. NUCLEAR WASTE FUND.

(a) BUDGET ACT ALLOCATIONS.—Effective for fiscal year 2008 and each fiscal year thereafter, funds appropriated from the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall not be subject to—

(1) the allocations for discretionary spending under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)); or

(2) the suballocations of appropriations committees under section 302(b) of that Act.

(b) FUND USES.—Section 302(d)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is amended by striking ''with'' and all that follows through ''storage site'' and inserting ''with surface facilities within the geologic repository operations area (including surface facilities for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement, or transportation to the repository of spent nuclear fuel or high-level radioactive waste to surface facilities for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement and the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in the repository, to be stored in a monitored retrievable storage site),''.

SEC. 810. WASTE CONFIDENCE.

For purposes of a determination by the Nuclear Regulatory Commission on whether to grant or amend any license to operate any civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the provisions of this title (including the amendments made by this title) and the obligation of the Secretary to develop a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), shall provide sufficient and independent grounds for any further findings by the Nuclear Regulatory Commission of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner.

SA 1754. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—Boutique Fuel Reduction

SEC. 161. SHORT TITLE.

This subtitle may be cited as the ''Boutique Fuel Reduction Act of 2007''.

SEC. 162. REDUCTION IN NUMBER OF BOUTIQUE FUELS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(3) in clause (vi) (as redesignated by paragraph (2))—

(A) in subclause (I), by striking ''fuels approved under'' and all that follows through the end of the subclause and inserting ''fuels included on the list published under subclause (II) (including any revisions to the list under subclause (III)).'';

(B) by striking subclause (III) and inserting the following:

''(III) REMOVAL OF FUELS FROM LIST.—

''(aa) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall remove a fuel from the list published under subclause (II) if the Administrator determines that the fuel has ceased to be included in any State implementation plan or is identical to a Federal fuel control or prohibition established and enforced the Administrator.

''(bb) PUBLICATION OF REVISED LIST.—On removing a fuel from the list under item (aa), the Administrator shall publish a revised list that reflects that removal.''; and

(C) by striking subclause (IV) and inserting the following:

''(IV) NO LIMITATION ON AUTHORITY.—Nothing in subclause (I) or (V) limits the authority of the Administrator to approve a control or prohibition relating to any new fuel under this paragraph in a State implementation plan (or a revision to such a plan), if—

''(aa) the new fuel completely replaces a fuel on the list published under subclause (II) (including any revisions to the list under subclause (III));

''(bb) the new fuel does not increase the total number of fuels contained on the list (including any revisions to the list); or

''(cc) the Administrator, in consultation with the Secretary of Energy, publishes in the Federal Register, after providing notice and an opportunity for public comment, a determination that the control or prohibition will not any cause fuel supply or distribution interruption or have any significant adverse impact on fuel producibility in the affected area or any contiguous area.''.

SEC. 163. COMPLETION OF HARMONIZATION STUDY.

Section 1509(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1084) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a) by not later than the earlier of—

''(A) the date that is 270 days after the date of enactment of this subparagraph; and

''(B) June 1, 2008.''.

SA 1755. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, after line 22, insert the following:

(d) SUSPENSION OF GASOLINE EXCISE TAX.—If the President declares a Federal energy emergency under subsection (a), the tax imposed under section 4081(a) of the Internal Revenue Code of 1986 shall be suspended during the period specified pursuant to subsection (b)(1) in the geographic area specified pursuant to subsection (b)(3).

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 279, between lines 19 and 20, insert the following:

SEC. 603A. SUSPENSION OF DAVIS-BACON REQUIREMENTS DURING ENERGY EMERGENCY.

Notwithstanding subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act), the

President shall suspend the provisions of such subchapter during any energy emergency declared by the President under section 606 for the area or region to which the energy emergency applies.

SA 1757. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, between lines 20 and 21, insert the following:

(d) REIMBURSEMENT OF COURT COSTS.—If the Federal Trade Commission brings an enforcement action against a person or business entity under this section and the defendant is not found to have violated this title, the court shall order the Commission to reimburse the defendant for all costs associated with defending against the enforcement action.

On page 286, between lines 8 and 9, insert the following:

(h) REIMBURSEMENT OF COURT COSTS.—If a State brings an enforcement action against a person or business entity under this section and the defendant is not found to have violated this title, the court shall order the State to reimburse the defendant for all costs associated with defending against the enforcement action.

SA 1758. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 131. ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) (as amended by section 124(a)) is amended—

(1) in subsection (b), by adding at the end the following:

''(11) Energy efficiency residential financing guarantees provided under subsection (g).''; and

(2) by adding at the end the following:

''(g) ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.—

''(1) IN GENERAL.—Subject to the availability of funds appropriated in advance, the Secretary shall make guarantees under this section for single and multifamily mortgage bonds and related financing for energy efficiency purposes.

''(2) PURPOSES.—The Secretary shall make a guarantee under this subsection only for—

''(A) bonds and related financing issued by State housing and energy agencies; or

''(B) debt financing for energy efficiency measures in new or existing housing supported by Federal financial assistance programs under which energy efficiency projects are approved jointly by State housing finance and energy agencies.

''(3) CRITERIA.—Not later than 90 days after the date of enactment of this subsection, the Secretary (in consultation with State housing finance, energy, weatherization and public utility commissioners) shall promulgate regulations establishing criteria for energy efficiency projects eligible for guarantees under this subsection.

''(4) ADMINISTRATION.—Subsections (a)(2) and (d) shall not apply to a guarantee made under this subsection.''.

SA 1759. Mr. WYDEN (for himself, Ms. LANDRIEU, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term ''terrestrial ecosystem'' means any ecological and surficial geological system on public land.

(B) INCLUSIONS.—The term ''terrestrial ecosystem'' includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the ''Inventory

of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005''; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the 3 years following the date of enactment of this Act.

SA 1760. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 8 and 9, insert the following:

(8) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the aggregate quantity of greenhouse gases attributable to the production, transportation, and use of renewable fuel, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

(A) any greenhouse gases captured at the facility and sequestered; and

(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass.

SA 1761. Mr. CARDIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in cooperation with the Secretary, the Secretary of Agriculture, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol of not less than 10 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing the consumption of ethanol;

(2) an evaluation of the economic, market, and energy impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy impacts on gasoline retailers and consumers of separate and distinctly-labeled fuel storage facilities and dispensers;

(4) an evaluation on the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of onroad, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out the study under this section $1,000,000.

SEC. ___. WAIVER OF REQUIREMENTS FOR NEW FUELS AND FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) is amended by striking the last sentence and inserting the following: ''After providing notice and opportunity for comment, the Administrator shall approve or deny an application submitted under this paragraph not later than 270 days after the date of the receipt of the application.''.

SA 1762. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 12 and all that follows through page 42, line 8, and insert the following:

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon the request of the borrower, the Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee, on the condition that the Secretary has—

''(A) received from the borrower a payment in full for the cost of the obligation; and

''(B) deposited the payment in the Treasury.

''(2) LIMITATION ON AMOUNT.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.

''(3) APPROVAL OF APPLICATIONS.—

''(A) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee not later than 1 year after the date of receipt of the application.

''(B) REPORT.—The Secretary shall submit to Congress an annual report on the approval or disapproval of all loan guarantee applications that includes—

''(i) the reasons for each approval and disapproval; and

''(ii) an evaluation and recommendation by the Secretary for the termination of authority for each eligible project category described in section 1703(b).''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary in a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

At the end, add the following:

TITLE VIII—COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES

SEC. 801. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term ''domestic fuels facility'' means a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term ''domestic fuels facility'' includes a domestic fuels facility expansion.

(3) DOMESTIC FUELS FACILITY EXPANSION.—The term ''domestic fuels facility expansion'' means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(4) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term ''domestic fuels facility permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(5) DOMESTIC FUELS PRODUCER.—The term ''domestic fuels producer'' means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(6) 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).

(7) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

(8) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 802. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

At the appropriate place, insert the following:

Subtitle __—Energy Trust Fund

SEC. __. EXPANSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) FULL EXPENSING.—Section 179C(a) of the Internal Revenue Code of 1986 (relating to treatment as expenses) is amended by striking ''50 percent of''.

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

SEC. __. LIMITATION ON PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) LIMITATION ON AGGREGATE AMOUNT OF DEPLETION.—In the case of any oil or gas well, the allowance for depletion allowed under section 613 shall not exceed the basis of the taxpayer in such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. __. TERMINATION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to any taxable year beginning after the date of the enactment of this sentence.''.

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) of such Code are each amended by striking ''section 263(c), 616(a),'' and inserting ''section 616(a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. __. DEDICATION OF RESULTING REVENUES TO THE ENERGY TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

''SEC. 9511. ENERGY TRUST FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Energy Trust

Fund', consisting of such amounts as may be appropriated or credited to such Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST.—There are hereby appropriated to the Energy Trust Fund amounts equivalent to the revenues resulting from the amendments made by subtitle __ of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(c) EXPENDITURES.—Amounts in the Energy Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making expenditures—

''(1) to accelerate the use of clean domestic renewable energy resources (including solar, wind, clean coal, and nuclear) and alternative fuels (including ethanol, including cellulosic ethanol, biodiesel, and fuel cell technology);

''(2) to promote the utilization of energy-efficient products and practices and conservation; and

''(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 9511. Energy Trust Fund.''.

SA 1763. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''This Act shall not affect the jurisdiction of the Commodity Futures Trading Commission with respect to transactions or conduct subject to the Commodity Exchange Act (7 U.S.C. 1, et seq.).''

SA 1764. Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. SNOWE, Mr. SMITH, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 281. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize non-mechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) EXCLUSION.—Except as provided in subsection (a)(3), the term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 282. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 283. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) REVIEW BY SECRETARY.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary of Commerce may require design approval or operating conditions of the activity for the protection of marine resources under the jurisdiction of the Department of Commerce.

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

SA 1765. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 13 and 14, insert the following:

(d) MINIMUM FUEL ECONOMY TARGET.—Section 32902(b) of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

''(3) MINIMUM FUEL ECONOMY TARGET FOR PASSENGER AUTOMOBILES MANUFACTURED IN THE UNITED STATES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for automobiles on the basis of vehicle attributes pursuant to subjection (l), the average fuel economy standard in that model year shall also provide for an alternative minimum standard that shall apply to a manufacturer's domestically manufactured passenger automobiles and foreign manufactured passenger automobiles, as calculated under section 32904 (as in effect on the day before the date of the enactment of the Ten-in-Ten Fuel Economy Act).

''(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

''(i) 27.5 miles per gallon; or

''(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign passenger car fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.''.

(e) CREDIT TRADING LIMITATION.—Section 32903(e) of title 49, United States Code, as amended by section 506, is further amended by adding at the end the following: ''Any credit trading program established by the Secretary of Transportation may not allow manufacturers to use any such credits to meet the alternative minimum fuel economy standard for domestically manufactured and foreign manufactured passenger automobiles established pursuant to section 32902(b)(3).''.

SA 1766. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 13 and 14, insert the following:

(d) MINIMUM FUEL ECONOMY TARGET.—Section 32902(b) of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

''(3) MINIMUM FUEL ECONOMY TARGET FOR PASSENGER AUTOMOBILES MANUFACTURED IN THE UNITED STATES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for automobiles on the basis of vehicle attributes pursuant to subjection (l), the average fuel economy standard in that model year shall also provide for an alternative minimum standard that shall apply separately to a manufacturer's domestically manufactured passenger automobiles and foreign manufactured passenger automobiles, as calculated under section 32904 (as in effect on the day before the date of the enactment of the Ten-in-Ten Fuel Economy Act).

''(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

''(i) 27.5 miles per gallon; or

''(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign passenger car fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.''.

(e) CREDIT TRADING LIMITATION.—Section 32903(e) of title 49, United States Code, as amended by section 506, is further amended by adding at the end the following: ''Any credit trading program established by the Secretary of Transportation may not allow manufacturers to use any such credits to meet the alternative minimum fuel economy standard for domestically manufactured and foreign manufactured passenger automobiles established pursuant to section 32902(b)(3).''.

SA 1767. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike lines 19 and 20 and insert the following:

biofuel'' means fuel derived from—

(i) renewable biomass, other than corn starch, grown in the United States; or

(ii) renewable biomass, other than corn starch, grown outside the United States, on the condition that the fuel, or renewable biomass used in the fuel, whichever is imported, is certified by the importer, refiner, or blender as having been grown, produced, and transported in a manner consistent with standards equivalent to or more stringent than those established under environmental, labor, and public health laws of the United States, including laws relating to the conversion of forests, grassland, and wetland for agricultural use or other biomass production.

SA 1768. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1___. ANNUAL REPORTS.

For each calendar year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes, with respect to the preceding calendar year—

(1) the quantity of—

(A) renewable fuels imported into the United States;

(B) feedstocks imported into the United States to produce renewable fuels; and

(C) renewable fuels and feedstocks that are used to achieve compliance with applicable renewable fuels standards and other requirements under this title; and

(2) the impact on the environment, labor conditions, and public health status of foreign countries with respect to production in the United States of renewable fuels to achieve compliance with those standards and requirements.

SA 1769. Mr. BROWN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 2___. FEDERAL FLEET FUEL EFFICIENT VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency 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 (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) FUEL EFFICIENCY REQUIREMENT.—The Secretary shall coordinate with the Administrator to ensure that vehicles procured by Federal agencies are the most fuel efficient in their class.

(c) PURCHASE OF ADVANCED TECHNOLOGY VEHICLES.—

(1) IN GENERAL.—The Secretary shall coordinate with the Administrator to ensure that, of the vehicles procured after September 30, 2008—

(A) not less than 5 percent of the total number of the vehicles procured in each of fiscal years 2009 and 2010 are advanced technology vehicles;

(B) not less than 15 percent shall be advanced technology vehicles by January 1, 2015; and

(C) not less than 25 percent shall be advanced technology vehicles by January 1, 2020.

(2) WAIVER.—The Secretary, in consultation with the Administrator, may waive the requirements of paragraph (1) for any fiscal year to the extent that the Secretary determines necessary to adjust to limitations on the commercial availability of advanced technology vehicles.

(d) REPORT ON PLANS FOR IMPLEMENTATION.—At the same time that the President submits the budget for fiscal year 2009 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (b) and (c).

SA 1770. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following;

''(D) EFFECTIVE RULEMAKING.—The prescription of average fuel economy standards under this paragraph shall be made without regard to—

''(i) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act');

SA 1771. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. COLEMAN, Mr. OBAMA, Ms. KLOBUCHAR, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which

was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. BIODIESEL FUEL STANDARD.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

''(p) BIODIESEL FUEL.—

''(1) DEFINITIONS.—In this subsection:

''(A) ASTM.—The term 'ASTM' means the American Society of Testing and Materials.

''(B) BIO-BASED DIESEL REPLACEMENT.—The term 'bio-based diesel replacement' means any type of bio-based renewable fuel derived from plant or animal matter that—

''(i) may be used as a substitute for standard diesel fuel; and

''(ii) meets—

''(I) the registration requirements for fuels and fuel additives under this section; and

''(II) the requirements of applicable ASTM standards.

''(C) BIODIESEL.—

''(i) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

''(I) the registration requirements for fuels and fuel additives under this section; and

''(II) the requirements of ASTM standard D6751.

''(ii) INCLUSION.—For the purpose of measuring the applicable volume of the biodiesel fuel standard under paragraph (2), the term 'biodiesel' includes any bio-based diesel replacement that meets—

''(I) applicable registration requirements for fuels and fuel additives under this section; or

''(II) applicable ASTM standards.

''(D) BIODIESEL BLEND.—The term 'biodiesel blend' means a blend of biodiesel fuel that meets the requirements of ASTM standard D6751 with petroleum-based diesel fuel.

''(2) BIODIESEL FUEL STANDARD.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to ensure that diesel fuel sold or introduced into commerce in the United States, on an annual average basis, contains the applicable volume of biodiesel determined in accordance with subparagraphs (B) and (C).

''(B) CALENDAR YEARS 2008 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2008 through 2012 shall be determined in accordance with the following table:

Calendar year:	"Applicable volume of biodiesel (in millions of gallons):
2008	450
2009	625
2010	800
2011	1,000
2012	1,250

''(C) CALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years 2008 through 2012, including a review of—

''(i) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

''(ii) the expected annual rate of future production of biodiesel.

''(D) MINIMUM PERCENTAGE OF BIODIESEL.—For the purpose of subparagraph (B), at least 80 percent of the minimum applicable volume for each of calendar years 2008 through 2012 shall be biodiesel.

''(E) COMPLIANCE.—The regulations promulgated under subparagraph (A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met, but shall not—

''(i) restrict geographic areas in which biodiesel may be used; or

''(ii) impose any per-gallon obligation for the use of biodiesel.

''(F) WAIVERS.—

''(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall continually evaluate the impact of the biodiesel requirements established under this paragraph on the price of diesel fuel.

''(ii) WAIVER.—If the Administrator determines that there is a significant biodiesel feedstock disruption or other market circumstances that would make the price of biodiesel fuel unreasonable, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for a 60-day period, the quantity of biodiesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biodiesel.

''(iii) FACTORS.—In making determinations under this subparagraph, the Administrator shall consider—

''(I) the purposes of this Act;

''(II) the differential between the price of diesel fuel and the price of biodiesel; and

''(III) the impact the biodiesel mandate has on consumers.

''(iv) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for an additional 60-day period, the quantity of biodiesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biodiesel.

''(v) RESTORATION.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) or (iv) has concluded and that it is practicable, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, may issue an order to increase the quantity of biodiesel required under subparagraph (A) by an appropriate quantity to account for the gallons of biodiesel not used during the period a waiver or extension was in effect under this subparagraph.

''(G) PREEMPTION OF STATE BIODIESEL MANDATES.—

''(i) IN GENERAL.—The standard established under subparagraph (A) shall not apply to any diesel fuel subject to a State biodiesel mandate that has been enacted as of January 1, 2007.

''(ii) PRODUCTION AND USE OF BIODIESEL AND BIO-BASED RENEWABLE DIESEL.—Subject to clause (iii), no State or unit of local government shall establish or continue to enforce a mandate that requires the level of production or use of biodiesel or bio-based diesel replacement to exceed the maximum level of production or use of biodiesel or bio-based diesel replacement described in any—

''(I) engine warranty; or

''(II) specification derived in accordance with the ASTM.

''(iii) STATE AND MUNICIPAL VEHICLES.—Nothing in this paragraph preempts the authority of a State or unit of local government—

''(I) to regulate the use of biodiesel in vehicles owned by the State or local government, respectively; or

''(II) to establish financial incentives to promote the use of biodiesel.

''(iv) FINANCIAL INCENTIVES.—Nothing in this paragraph precludes States from establishing financial incentives to promote the voluntary use or production of biodiesel.''.

(b) CONFORMING AMENDMENTS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (o)(1)(C)(ii)(II), by striking ''biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))) and''; and

(2) by redesignating the first subsection (r) (relating to fuel and fuel additive importers and importation) as subsection (u) and moving that subsection so as to appear at the end of the section.

SEC. 132. BIODIESEL LABELING.

Subsection (p) of section 211 of the Clean Air Act (42 U.S.C. 7545) (as added by section 131(a)) is amended by adding at the end the following:

''(3) BIODIESEL LABELING.—

''(A) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biodiesel that is contained in the biodiesel blend that is offered for sale, as determined by the Administrator.

''(B) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall promulgate biodiesel labeling requirements as follows:

''(i) Biodiesel blends that contain less than or equal to 5 percent biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

''(ii) Biodiesel blends that contain more than 5 percent biodiesel by volume but not more than 20 percent by volume shall be labeled 'contains biodiesel in quantities between 5 percent and 20 percent'.

''(iii) Biodiesel blends that contain more than 20 percent biodiesel by volume shall be labeled 'contains more than 20 percent biodiesel'.''.

SA 1772. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 114, after line 16, insert the following:

SEC. 855. CREDIT FOR COMPACT FLUORESCENT LIGHT BULBS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR COMPACT FLUORESCENT LIGHT BULBS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $2 per qualifying compact fluorescent light bulb purchased by the taxpayer during such year for use in a dwelling unit located in the United States and used as a residence by the taxpayer.

''(b) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed $100 per return.

''(c) QUALIFYING COMPACT FLUORESCENT LIGHT BULB.—For purposes of this section, the term 'qualifying compact fluorescent light bulb' means any compact fluorescent light bulb which meets the requirements of the Energy Star program in effect for such light bulbs in 2008.

''(d) TERMINATION.—The credit allowed under this section shall not apply to property purchased after December 31, 2008.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for compact fluorescent light bulbs.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased in taxable years beginning after December 31, 2007.

SA 1773. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

SA 1774. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 114, after line 16, insert the following:

SEC. 855. EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT.

Subsection (b) of section 45M (as amended by this Act) is amended by striking ''calendar year 2008, 2009, or 2010'' each place it appears in paragraphs (1)(A), (2)(B), (2)(C), (3)(B), and (3)(C) and inserting ''calendar years 2008 through 2017''.

SA 1775. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 157, after line 14, insert the following:

SEC. 879. ACCELERATED DEPRECIATION FOR SCRUBBERS.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking ''and'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', and'', and

(3) by adding at the end the following new clause:

''(iv) any qualifying scrubber, as defined in subsection (i)(19).''.

(b) QUALIFYING SCRUBBER.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

''(19) QUALIFYING SCRUBBER.—For purposes of this section, the term 'qualifying scrubber' means any wet or dry scrubber or scrubber system which meets all standards issued by the Environmental Protection Agency applicable to such scrubber or scrubber system.''.

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

SA 1776. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRODUCTION OF MINERALS AND RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means a political subdivision of a contributing energy State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the contributing energy State as of the date of enactment of this Act; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(2) CONTRIBUTING ENERGY STATE.—The term ''contributing energy State'' means—

(A) in the case of an offshore area, a State that has, within the offshore administrative boundaries beyond the submerged land of the State, an energy area available for leasing of minerals or renewable energy under subsection (c); and

(B) in the case of an onshore area, a State that has, within the onshore boundaries of the State, an energy area available for leasing of minerals or renewable energy under subsection (c).

(3) ENERGY AREA.—

(A) IN GENERAL.—The term ''energy area'' means—

(i) in the case of an offshore area, any area that is within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State; and

(ii) in the case of an onshore area, any Federal land that is within the onshore boundaries of a State.

(B) EXCLUSIONS.—The term ''energy area'' does not include—

(i) a unit of the National Park System;

(ii) a component of the National Wild and Scenic Rivers System;

(iii) a component of the National Trails System;

(iv) a component of the National Wilderness Preservation System;

(v) a National Monument;

(vi) any part of the National Landscape Conservation System;

(vii) a National Conservation Area;

(viii) a National Marine Sanctuary;

(ix) a National Marine Monument; or

(x) a National Recreation Area.

(4) MINERALS.—The term ''minerals'' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) QUALIFIED REVENUES.—

(A) IN GENERAL.—The term ''qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for energy areas.

(B) EXCLUSIONS.—The term ''qualified revenues'' does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(6) RENEWABLE ENERGY.—The term ''renewable energy'' means energy generated from—

(A) a renewable energy source; or

(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

(7) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONDITIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section shall apply only if and during the period the President certifies to Congress that—

(A) the national average retail price of gasoline in the United States exceeds $3.75 per gallon;

(B) the quantity of oil imported into the United States exceeds 65 percent of the total quantity of oil consumed in the United States;

(C) the supply of renewable fuel is insufficient to meet the demand for fuel in the United States; and

(D) continued and growing reliance on foreign oil imports is a threat to national security.

(2) OFFSHORE AREAS.—In the case of an offshore area, the President may make energy areas off the coastline of a State or region available for leasing of minerals or renewable energy under this section during a period described in paragraph (1) only if the President—

(A) takes into Federal management an area of land that is equal to at least 110 percent of the acreage of energy areas off the coastline of the State or region that are made available for leasing of minerals or renewable energy under this section; and

(B) uses the land taken into Federal management under subparagraph (A) to establish and maintain a national marine sanctuary off the coastline of the State or region.

(3) ONSHORE AREAS.—In the case of an onshore area, the President may make energy areas in a State or region available for leasing of minerals or renewable energy under this section during a period described in paragraph (1) only if the President takes into Federal management for the Bureau of Land Management or the Forest Service an area of land that is equal to at least 110 percent of the acreage of energy areas in the State or region that are made available for leasing of minerals or renewable energy under this section.

(c) PETITION FOR LEASING ENERGY AREAS.—

(1) IN GENERAL.—During the period described in subsection (b), the Governor of a State with an energy area may submit to the Secretary a petition requesting that the Secretary make the energy area available for energy production through the leasing of minerals or renewable energy.

(2) ACTION BY SECRETARY.—Notwithstanding any other provision of law, as soon as practicable after the date of receipt of a petition under paragraph (1), the Secretary shall approve the petition if—

(A) the Secretary determines that leasing the energy area would not create an unreasonable risk to public health or the environment, taking into account the economic, social, and environmental costs and benefits of the leasing; and

(B) the legislature of the State enacts a law approving the petition.

(d) DISPOSITION OF QUALIFIED REVENUES FROM OFFSHORE ENERGY AREAS.—

(1) IN GENERAL.—In the case of qualified revenues from offshore energy areas, notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit or provide—

(A) 37.5 percent of qualified revenues to contributing energy States in accordance with paragraph (2);

(B) 20 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of Energy to promote renewable energy production, the reduction and sequestering of emissions, and energy efficient technologies;

(C) 12.5 percent of qualified revenues to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5);

(D) 10 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary to allocate funds to States to carry out State wildlife programs; and

(E) 10 percent of qualified revenues in the general fund of the Treasury.

(2) ALLOCATION TO CONTRIBUTING ENERGY STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(A) ALLOCATION TO CONTRIBUTING ENERGY STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(A) shall be allocated to each contributing energy State in proportion to the amount of qualified revenues generated in any energy area within the offshore administrative boundaries beyond the submerged land of the State.

(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each contributing energy State, as determined under subparagraph (A), to the coastal political subdivisions of the contributing energy State.

(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in a manner consistent with subparagraphs (B) and (C) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)), as determined by the Secretary.

(3) TIMING.—The amounts required to be deposited under subparagraphs (A) through (D) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

(4) AUTHORIZED USES.—

(A) IN GENERAL.—Subject to subparagraph (B), each contributing energy State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(ii) Mitigation of damage to fish, wildlife, or natural resources.

(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(v) Planning assistance and the administrative costs of complying with this section.

(B) LIMITATION.—Not more than 3 percent of amounts received by a contributing energy State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

(5) ADMINISTRATION.—Amounts made available under subparagraphs (A) through (D) of paragraph (1) shall—

(A) be made available, without further appropriation, in accordance with this subsection;

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act;

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

(iii) any other provision of law.

(e) DISPOSITION OF QUALIFIED REVENUES FROM ONSHORE ENERGY AREAS.—

(1) IN GENERAL.—In the case of qualified revenues from onshore energy areas, subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(A) 40 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of the Interior to allocate to contributing energy States in accordance with paragraph (2);

(B) 30 percent of qualified revenues in the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093);

(C) 20 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of Energy to promote renewable energy production, the reduction and sequestering of emissions, and energy efficient technologies; and

(D) 10 percent of qualified revenues in the general fund of the Treasury.

(2) ALLOCATION TO CONTRIBUTING ENERGY STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(A) shall be allocated to each contributing energy State in a manner that is consistent with the allocation of assistance to States under the Mineral Leasing Act (30 U.S.C. 181 et seq.), as determined by the Secretary.

(3) TIMING.—The amounts required to be deposited under subparagraphs (A) through (C) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

(4) AUTHORIZED USES.—

(A) IN GENERAL.—Subject to subparagraph (B), each contributing energy State shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(i) Programs and activities that are allowed under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(ii) Planning assistance and the administrative costs of complying with this section.

(B) LIMITATION.—Not more than 3 percent of amounts received by a contributing energy State under paragraph (2) may be used for the purposes described in subparagraph (A)(ii).

(5) ADMINISTRATION.—Amounts made available under subparagraphs (A) through (C) of paragraph (1) shall—

(A) be made available, without further appropriation, in accordance with this subsection;

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act;

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

(iii) any other provision of law.

(f) ADMINISTRATION.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to—

(A) the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(B) the Historic Preservation Fund established under section 108 of the National Historic Preservation Act (16 U.S.C. 470h); or

(2) any authority that permits energy production under any other provision of law.

SA 1777. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 97, line 10, strike all through page 99, line 19, and insert the following:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 50 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

''(2) LIMITATIONS.—The amount of the credit allowed under this subsection shall not exceed $4,000 with respect to the conversion of any motor vehicle.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) consists of a standardized configuration and is mass produced,

''(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

''(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2010.''.

SA 1778. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 6 through 12 and insert the following:

(c) FISCHER-TROPSCH PROCESS EXCLUDED FROM ELIGIBLE PROJECTS.—Paragraph (7) of section 48B(c) is amended by adding at the end the following new flush sentence:

''Such term shall not include any person whose application for certification is principally intended for use in a project which employs gasification for applications related to transportation grade liquid fuels.''.

Beginning on page 71, line 9, strike all through page 72, line 2, and insert the following:

(c) FISCHER-TROPSCH PROCESS EXCLUDED FROM DEFINITION OF ALTERNATIVE FUEL.—Paragraph (2) of section 6426(d), as amended by subsection (b), is amended by striking subparagraph (E) and by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

On page 77, line 20, strike ''(G)'' and insert ''(F)''.

SA 1779. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 278, after line 23, add the following:

(6) PURCHASE, SALE, REPORT.—The terms ''purchase'', ''sale'', and ''report'', with respect to the wholesale price of crude oil, gasoline, and petroleum distillates, do not include any transaction or other activity that is subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SA 1780. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON RETAIL FUEL FAIRNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Consumer protection is a priority for the United States Government. Consumers are entitled to the full benefit of every purchase.

(2) As atmospheric temperature rises, so does the temperature of motor fuel (gasoline and diesel fuel) in filling station tanks. Motor fuel expands as it gets warmer so it takes more fluid to contain the same content of energy (or BTUs) it had when it was at a cooler temperature, resulting in a decrease in energy content of 1 gallon of motor fuel.

(3) The expansion of liquid motor fuel due to increases in temperature is commonly referred to as ''hot fuel''.

(4) During the purchase and sale of motor fuel between wholesalers and retailers, the motor fuel volume is temperature compensated to a 60 degree Fahrenheit reference volume.

(5) During the purchase and sale of motor fuel between retailers and consumers the temperature of the fuel is not considered.

(6) The lack of temperature compensation at the retail pump costs consumers $2,740,000,000 annually.

(7) An excise tax on the sale of motor fuel is imposed on entities at points in the chain of distribution above the retail level. Taxes are remitted based on temperature-compensated gallons of motor fuel.

(8) Taxes are recouped from retail consumers on a non-temperature-compensated basis. As a result, when retailers sell to consumers motor fuel that is at a temperature greater than 60 degrees Fahrenheit, the retailers recoup more from consumers as ''taxes'' than the actual amount of Federal and State excise taxes paid by the retailers.

(9) At the time of purchase, a consumer is entitled to the same BTU content contained in a gallon of motor fuel at the retail pump as the retailer receives when the retailer purchases a gallon of motor fuel from the wholesaler.

(10) The most equitable method to address the disparity of the BTU content at the retail pump is by installing temperature compensating retrofit kits to retail fuel pump. This equipment is currently being used in Canada to compensate for the colder motor fuel temperatures they experience.

(11) The National Conference on Weights and Measures, Inc. creates the uniform commercial transaction standards to ensure consumers receive the full benefit of their purchases.

(12) The National Conference on Weights and Measures, Inc. has the authority to adopt standards that would address the concerns behind hot fuel.

(13) The National Institute of Standards and Technology (NIST) provides technical guidance to the National Conference on Weights and Measures, Inc. (NCWM). NIST officials serve as technical advisors to NCWM committees, including the Law and Regulations Committee.

(14) In January 2007, the Law and Regulations Committee of the National Conference on Weights and Measures, Inc. voted to adopt a standard that will facilitate the implementation of a permissive approach to the use of temperature compensation in the marketplace.

(15) In June, 2007, in testimony before a subcommittee of the House of Representatives, a NIST weights and measure official supported the adoption of temperature compensation for the sale of motor fuel at retail pumps.

(16) Despite over 30 years of debate, the National Conference on Weights and Measures, Inc. has not yet addressed consumer concerns over hot fuel and its hidden costs to consumers.

(17) The National Conference on Weights and Measures, Inc. will hold its annual meeting on July 8-12, 2007 in Salt Lake City, Utah.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should adopt sound policies that protect consumers from fraud or unfairness in connection with the purchase or sale of motor fuel;

(2) consumers should receive the full benefit of their purchase;

(3) in order for consumers to receive the full benefit of a gallon of motor fuel, the temperature disparity created by hot fuel must be resolved;

(4) the National Conference on Weights and Measures, Inc. has the authority to adopt standards that would resolve the United States Governments concerns surrounding hot fuel;

(5) during the annual meeting of the National Conference on Weights and Measures, Inc. in July 2007, standards for the hot fuel issue should be promulgated;

(6) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the $2,740,000,000 loss to consumers;

(7) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the fact that consumers are paying more in Federal and State excise motor fuel taxes than motor fuel retailers are remitting; and

(8) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the methods, standards and procedures Canada is currently using to regulate motor fuel temperature.

SA 1781. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. COAL INNOVATION DIRECT LOAN PROGRAM.

(a) IN GENERAL.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

"SEC. 3105. COAL INNOVATION DIRECT LOAN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CARBON CAPTURE.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide that would otherwise be released to the atmosphere at a facility in the production of end products of a project prior to transportation of the carbon dioxide to a long-term storage site.

''(2) COAL-TO-LIQUID PRODUCT.—The term 'coal-to-liquid product' means a liquid fuel resulting from the conversion of a feedstock, as described in this section.

''(3) COMBUSTIBLE END PRODUCT.—The term 'combustible end product' means any product of a facility intended to be used as a combustible fuel.

''(4) CONVENTIONAL BASELINE EMISSIONS.—The term 'conventional baseline emissions' means—

''(A) the lifecycle greenhouse gas emissions of a facility that produces combustible end products, using petroleum as a feedstock, that are equivalent to combustible end products produced by a facility of comparable size through an eligible project;

''(B) in the case of noncombustible products produced through an eligible project, the average lifecycle greenhouse gas emissions emitted by projects that—

''(i) are of comparable size; and

''(ii) produce equivalent products using conventional feedstocks; and

''(C) in the case of synthesized gas intended for use as a combustible fuel in lieu of natural gas produced by an eligible project, the lifecycle greenhouse gas emissions that would result from equivalent use of natural gas.

''(5) ELIGIBLE PROJECT.—The term 'eligible project' means a project—

''(A) that employs gasification technology or another conversion process for feedstocks described in this section; and

''(B) for which—

''(i) the annual lifecycle greenhouse gas emissions of the project are at least—

''(I) at the end of the first calendar year after the date of commencement of the project, 5 percent lower than conventional baseline emissions;

''(II) at the end of the second calendar year after the date of commencement of the project, 10 percent lower than conventional baseline emissions;

''(III) at the end of the third calendar year after the date of commencement of the project, 15 percent lower than conventional baseline emissions; and

''(IV) at the end of the fourth calendar year after the date of commencement of the project, 20 percent lower than conventional baseline emissions;

''(ii) of the carbon dioxide that would otherwise be released to the atmosphere at the facility in the production of end products of the project, at least—

''(I) at the end of the first calendar year after the date of commencement of the project, 20 percent is captured for long-term storage;

''(II) at the end of the second calendar year after the date of commencement of the project, 40 percent is captured for long-term storage;

''(III) at the end of the third calendar year after the date of commencement of the project, 60 percent is captured for long-term storage; and

''(IV) at the end of the fourth calendar year after the date of commencement of the project, 80 percent is captured for long-term storage;

''(iii) the individual or entity carrying out the eligible project has entered into an enforceable agreement with the Secretary to implement carbon capture at the percentage that, by the end of the 5-year period after commencement of commercial operation of the eligible project—

''(I) represents the best available technology; and

''(II) achieves a reduction in carbon emissions that is not less than 80 percent; and

''(iv) in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of captured carbon dioxide beginning as of the date of commencement of commercial operation of the project.

''(6) FACILITY.—The term 'facility' means a facility at which the conversion of feedstocks to end products takes place.

''(7) GASIFICATION TECHNOLOGY.—The term 'gasification technology' means any process that converts coal, petroleum residue, renewable biomass, or other material that is recovered for energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion.

''(8) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(9) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases attributable to the production and transportation of end products at a facility, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, and the subsequent distribution and use of any combustible end products, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

''(A) any greenhouse gases captured at the facility and sequestered;

''(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass; and

''(C) the carbon content, expressed in units of carbon dioxide equivalent, of any end products that do not result in the release of carbon dioxide to the atmosphere.

''(10) LONG-TERM STORAGE.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is consistent with the objective of reducing atmospheric concentrations of carbon dioxide, subject to a permit issued pursuant to law in effect as of the date of the sequestration.

''(11) RENEWABLE BIOMASS.—The term 'renewable biomass' has the definition given the term in section 102 of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(12) SEQUESTRATION.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, including—

''(A) an operating oil and gas field;

''(B) coal bed methane recovery;

''(C) a depleted oil and gas field;

''(D) an unmineable coal seam;

''(E) a deep saline formation; and

''(F) a deep geological systems containing basalt formations.

''(b) FEED ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—Subject to paragraph (3), and in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352), not later than 1 year after the date of the enactment of this section, the Secretary shall carry out a program to provide grants for use in obtaining or carrying out any services necessary for the planning, permitting, and construction of an eligible project.

''(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive grants under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

''(B) that, taken together, would—

''(i) represent a variety of geographical regions;

''(ii) use a variety of feedstocks and types of coal; and

''(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

''(C) for which eligible projects, in the opinion of the Secretary—

''(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

''(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

''(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

''(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

''(v) each recipient has met such other criteria as may be established and published by the Secretary.

''(3) MAXIMUM AMOUNT OF GRANTS.—In carrying out this subsection, the Secretary shall provide not more than—

''(A) $20,000,000 in grant funds for any eligible project; and

''(B) $200,000,000 in grant funds, in the aggregate, for all eligible projects.

''(c) DIRECT LOAN PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to funds being made available in advance through appropriations Acts, the Secretary shall carry out a program to provide a total of not more than $10,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

''(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for Renewable Energy Construction grants are required to comply with that section.

''(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

''(B) that, taken together, would—

''(i) represent a variety of geographic regions;

''(ii) use a variety of types of feedstocks and coal; and

''(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

''(C) for which eligible projects, in the opinion of the Secretary—

''(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

''(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

''(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

''(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

''(v) each recipient has met such other criteria as may be established and published by the Secretary.

''(4) USE OF LOAN FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with reducing lifecycle greenhouse gas emissions at the facility (including carbon dioxide capture, compression, and long-term storage, cogeneration, and gasification of biomass) carried out as part of an eligible project.

''(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

''(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

''(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

''(B) shall have a term equal to the lesser of—

''(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

''(ii) 25 years;

''(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

''(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

''(6) METHODOLOGY.—Not later than 18 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall, by regulation, establish a methodology for use in determining the lifecycle greenhouse gas emissions of products produced using gasification technology.

''(d) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN STRATEGIC PETROLEUM RESERVE.—Not later than 1 year after the date of enactment of this section, the Secretary and the Secretary of Defense shall—

''(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Strategic Petroleum Reserve; and

''(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

''(e) REPORT ON EMISSIONS OF COAL-TO-LIQUID PRODUCTS USED AS TRANSPORTATION FUELS.—

''(1) IN GENERAL.—In cooperation with the Secretary, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency shall—

''(A) carry out a research and demonstration program to evaluate the emissions of the use of coal-to-liquid fuel for transportation, including diesel and jet fuel;

''(B) evaluate the effect of using coal-to-liquid transportation fuel on emissions of vehicles, including motor vehicles and nonroad vehicles, and aircraft (as those terms are defined in sections 216 and 234, respectively, of the Clean Air Act (42 U.S.C. 7550, 7574)); and

''(C) in accordance with paragraph (4), submit to Congress a report on the effect on air and water quality, water scarcity, land use, and public health of using coal-to-liquid fuel in the transportation sector.

''(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall issue any guidance or technical support documents necessary to facilitate the effective use of coal-to-liquid fuel and blends under this subsection.

''(3) REQUIREMENTS.—The program described in paragraph (1)(A) shall take into consideration—

''(A) the use of neat (100 percent) coal-to-liquid fuel and blends of coal-to-liquid fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector;

''(B) the production costs associated with domestic production of those fuels and prices for consumers; and

''(C) the overall greenhouse gas effects of substituting coal-derived fuels for crude oil-derived fuels.

''(4) REPORTS.—The Administrator of the Environmental Protection Agency shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

''(A) not later than 180 days after the date of enactment of this section, an interim report on actions taken to carry out this subsection; and

''(B) not later than 1 year after the date of enactment of this section, a final report on actions taken to carry out this subsection.

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

''SEC. 3106. CLEAN COAL-DERIVED FUEL FEASIBILITY STUDY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Energy Technology Laboratory and the Administrator of the Energy Information Administration, shall conduct a study to assess the technology, trends, benefits, and costs associated with the production and consumption of coal-derived fuels in the United States.

''(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

''(1) conduct an assessment of—

''(A) the inputs required per unit of coal-derived fuel;

''(B) the feasibility of attaining an annual production of coal-derived fuels of a rate of not less than 6,000,000,000 gallons of coal-derived fuels per year; and

''(C) the estimated quantity of commercially recoverable coal reserves in the United States; and

''(2) make a determination relating to the extent to which, and the timetable required within which, coal-derived fuels could feasibly and cost-effectively be expected to offset consumption of petroleum-based fuels in the United States.

''(c) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report that describes the results of the study.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

''Sec. 3105. Coal innovation direct loan program.

''Sec. 3106. Clean coal-derived fuel feasibility study.''.

SA 1782. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. ELECTRICITY PRODUCTION DIRECT LOAN PROGRAM.

(a) IN GENERAL.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

''SEC. 3105. ELECTRICITY PRODUCTION DIRECT LOAN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CARBON CAPTURE.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide from a unit prior to transportation of the carbon dioxide to a long-term storage site.

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project carried out to produce electricity through the use of at least 75 percent coal as a feedstock—

''(A) for which technology is employed, on a unit of at least 400 megawatts, for carbon capture of at least 85 percent of the carbon dioxide produced by the unit;

''(B) that is subject to an enforceable agreement between the individual or entity and the Secretary for full deployment of best available carbon capture technology at the facility, which will capture not less than 85 percent of carbon dioxide emitted at the facility, within 10 years of the placed-in-service date;

''(C) for which, in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of all captured carbon dioxide beginning on the placed-in-service date;

''(D) that—

''(i) consists of 1 or more electric generation units at 1 site; and

''(ii) will have a total name plate generating capacity of at least 400 megawatts;

''(E) for which the applicant provides evidence that a majority of the output of the project is reasonably expected to be acquired or used;

''(F) for which the applicant provides evidence of ownership or control of a site of sufficient size to allow the proposed project to be constructed and to operate on a long-term basis; and

''(G) that will be located in the United States.

''(3) LONG-TERM STORAGE.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is—

''(A) consistent with the objective of reducing atmospheric concentrations of carbon dioxide; and

''(B) subject to a permit issued pursuant to applicable Federal law.

''(4) SEQUESTRATION.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, which may include, to the extent consistent with the achievement of long-term storage of the carbon dioxide—

''(A) an operating oil and gas field;

''(B) coal bed methane recovery;

''(C) a depleted oil and gas field;

''(D) an unmineable coal seam;

''(E) a deep saline formation; and

''(F) a deep geological systems containing basalt formations.

''(b) PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to the availability of appropriations, the Secretary shall carry out a program to provide a total of not more than $5,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

''(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for renewable energy construction grants under that section are required to comply with those terms and conditions.

''(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out are selected because the eligible projects have—

''(i) the lowest ratio of emitted carbon dioxide (excluding carbon dioxide captured and sequestered) to produced electricity, as calculated based on units of carbon dioxide emitted per megawatt-hour of electricity produced prior to sequestration;

''(ii) the highest net efficiency, as calculated by dividing the net generation of electricity of the project, in megawatt-hours, by all fuel input, in British thermal units—

''(I) as adjusted to take into account the proposed site elevation and temperature of the project; and

''(II) not including any reduction in electricity generation resulting from carbon dioxide capture or sequestration; and

''(iii) carbon dioxide production, prior to sequestration, of at least 4,000,000 tons per year in a first step in the construction of a scalable project;

''(B) that, taken together, would—

''(i) represent a variety of geographical regions; and

''(ii) use a variety of types of coal; and

''(C) by giving additional appropriate consideration to—

''(i) the extent to which a project would advance the goals of demonstrating sequestration technology through the availability of multiple viable carbon dioxide sink options;

''(ii) the potential of a project to reduce overall emissions of air pollutants through minimized coal transportation impacts;

''(iii) the potential of a project to apply the demonstrated technology to other geographical areas and the existing coal generating fleet; and

''(iv) the extent to which impacts on surface land and water from the extraction of coal resources would be minimized in carrying out the project.

''(4) USE OF LOAN FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with carbon capture and sequestration (including air separation, boiler, or gasifier technology to facilitate capture, carbon dioxide capture, conditioning, and compression) carried out as part of an eligible project.

''(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

''(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

''(A) shall have a fixed interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

''(B) shall have a term equal to the lesser of—

''(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

''(ii) 25 years from the placed in service date of the facility;

''(C) shall not enter repayment before the project placed in service date; and

''(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

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

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

''Sec. 3105. Electricity production direct loan program.''.

SA 1783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 206. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

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

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) in the case of a qualified investment of an eligible taxpayer for such taxable year relating to plug-in hybrid electric vehicles or pure electric vehicles, 50 percent of so much of such qualified investment as does not exceed $150,000,000, and

''(2) in the case of any other qualified investment of an eligible taxpayer for such taxable year, 35 percent of so much of such qualified investment as does not exceed $50,000,000.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration of such vehicles and components as described in subsection (d), and

''(C) for research and development related to advanced technology motor vehicles and eligible components.

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

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

''(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) and determined without regard to any gross vehicle weight rating), or

''(C) any new plug-in hybrid electric vehicle.

''(2) PLUG-IN HYBRID ELECTRIC VEHICLE.—For purposes of this section, the term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine and/or an electric motor and energy storage system using (or capable of using)—

''(A) any combustible fuel,

''(B) an on-board, rechargeable storage device, and

''(C) a means of using an off-board source of electricity to operate the vehicle in intermittent or continuous all-electric mode.

''(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

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

''(i) electric motor or generator,

''(ii) power split device,

''(iii) power control unit,

''(iv) power controls,

''(v) integrated starter generator, or

''(vi) battery,

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) hydraulic accumulator vessel,

''(ii) hydraulic pump, or

''(iii) hydraulic pump-motor assembly,

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

''(i) diesel engine,

''(ii) turbocharger,

''(iii) fuel injection system, or

''(iv) after-treatment system, such as a particle filter or NOx absorber, and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

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

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

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

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

''(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

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

''(h) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

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

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2015.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(g).''.

(2) Section 6501(m), as amended by this Act, is amended by inserting ''30E(k),'' after ''30D(e)(9),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30E. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2006.

SA 1784. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following:

(c) SPECIAL RULE FOR MODEL YEAR 2009 MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

''(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

''(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 75 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.''.

SA 1785. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which

was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following:

(c) SPECIAL RULE FOR MODEL YEAR 2009 MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

''(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

''(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 50 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.''.

SA 1786. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SENSE OF THE SENATE ON ADDRESSING THE RISKS POSED BY GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds the following:

(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) 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.

(3) 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.

(4) The United States has the largest economy in the world and is also the largest emitter of greenhouse gases.

(5) The greenhouse gas emissions of the United States are projected to continue to rise.

(6) The greenhouse gas emissions of 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.

(7) 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.

(8) 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.

(9) 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.

(10) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(11) 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.

(12) The United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases.

(13) President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its ''addiction'' to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources.

(14) President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China.

(15) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy.

(16) As documented in recent studies, a failure to recognize, plan for, and mitigate the strategic, social, political, and economic effects of a changing climate will have an adverse impact on the national security interests of the United States.

(17) 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 in 1994 (hereinafter referred to as the ''Convention'').

(18) At the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change.

(19) 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.

(20) The Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(21) An effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary.

(22) The United States has the capability to lead the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements 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) establishing a bipartisan Senate observer group, the members of which shall be designated by the Majority Leader and the Minority Leader of the Senate and shall represent the appropriate congressional committees of oversight, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1787. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SENSE OF THE SENATE ON ADDRESSING THE RISKS POSED BY GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds the following:

(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) 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.

(3) 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.

(4) The United States has the largest economy in the world and is also the largest emitter of greenhouse gases.

(5) The greenhouse gas emissions of the United States are projected to continue to rise.

(6) The greenhouse gas emissions of 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.

(7) 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.

(8) 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.

(9) 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.

(10) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(11) 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.

(12) The United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases.

(13) President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its ''addiction'' to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources.

(14) President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China.

(15) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy.

(16) 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 in 1994 (hereinafter referred to as the ''Convention'').

(17) At the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change.

(18) 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.

(19) The Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(20) An effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary.

(21) The United States has the capability to lead the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements 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) establishing a bipartisan Senate observer group, the members of which shall be designated by the Majority Leader and the Minority Leader of the Senate and shall represent the appropriate congressional committees of oversight, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1788. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, beginning in line 15, strike ''a manufacturer'' and insert ''manufacturers''.

On page 241, beginning in line 16, strike ''at least 4 percent greater than the'' and insert ''the maximum feasible''.

On page 241, beginning in line 17, strike ''required to be attained for the fleet in the previous model year (rounded to the nearest ½0 mile per gallon).'' and insert ''for the fleet.''.

On page 243, beginning in line 18, strike ''and based on the results of that study,'' and insert ''by regulation,''.

On page 243, line 22, strike ''and, as appropriate, shall adopt'' and insert ''designed to achieve the maximum feasible improvement, and shall adopt appropriate''.

On page 243, line 23, strike ''efficiency'' and insert ''economy''.

On page 244, line 12, strike ''a commercial'' and insert ''an''.

On page 244, line 14, strike ''10,000 pounds.'' and insert ''8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

On page 244, beginning with line 20, strike through line 5 on page 245, and insert the following:

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

On page 245, beginning with line 17, strike through line 8 on page 247 and insert the following:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

On page 251, between lines 13 and 14, insert the following:

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

On page 251, line 14, strike ''(e)'' and insert ''(f)''.

On page 253, beginning in line 15, strike ''**and aggressivity reduction**''.

On page 253, line 19, strike ''incompatibility and aggressivity.'' and insert ''incompatibility.''.

On page 254, in the matter appearing between lines 20 and 21, strike ''and aggressivity reduction''.

On page 259, line 9, after ''automobile'' insert ''and medium-duty and heavy-duty truck''.

On page 259, line 11, after ''automotive'' insert ''and medium-duty and heavy-duty truck''.

On page 261, beginning with line 5, strike through line 8 on page 263.

On page 263, line 9, strike ''**SEC. 512.**'' and insert ''**SEC. 511.**''.

On page 264, line 18, strike ''**SEC. 513.**'' and insert ''**SEC. 512.**''.

On page 265, line 11, strike ''**SEC. 514.**'' and insert ''**SEC. 513.**''.

On page 268, line 14, strike ''**SEC. 515.**'' and insert ''**SEC. 514.**''.

On page 269, line 17, insert ''and'' after the semicolon.

On page 269, strike lines 18 through 20.

On page 269, line 21, strike ''(iii)'' and insert ''(ii)''.

On page 270, line 17, strike ''**SEC. 516.**'' and insert ''**SEC. 515.**''.

On page 272, line 10, strike ''**SEC. 517.**'' and insert ''**SEC. 516.**''.

On page 273, line 6, strike ''518(a)'' and insert ''517(a)''.

On page 273, line 7, strike ''**SEC. 518.**'' and insert ''**SEC. 517.**''.

On page 276, line 20, strike ''**SEC. 519.**'' and insert ''**SEC. 518.**''.

On page 277, line 1, strike ''**SEC. 520.**'' and insert ''**SEC. 519.**''.

SA 1789. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 24 and all that follows through page 38, line 3, and insert the following:

''(2) REQUIREMENTS.—

(A) IN GENERAL.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States on the date on which the guarantee is issued.

(B) NEW OR SIGNIFICANTLY IMPROVED TECHNOLOGIES.—To be considered a new or significantly improved technology under subparagraph (A), the technology shall have the potential, not later than 15 years after the date on which the guarantee is issued—

(i) to achieve scalability with an annual rate of production equal to a rate of not less than 15,000,000,000 gallons of conventional biofuels per year; and

(ii) to be competitive with respect to the cost of conventional biofuels.

SA 1790. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 13, strike ''and'' at the end.

On page 7, line 16, strike the period at the end and insert ''; and''.

On page 7, between lines 16 and 17, insert the following:

(vii) cellulosic biofuel, including any liquid transportation fuel that is derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.

SA 1791. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 20, insert the following:

(2) CLARIFICATION OF DEFINITION.—Paragraph (3) of section 40A(f) is amended—

(A) by striking ''thermal depolymerization process'' and inserting ''thermal chemical process'',

(B) by inserting '', if applicable'' after ''(42 U.S.C. 7545)'' in subparagraph (A), and

(C) by inserting ''or such other applicable standards as may be issued by the American Society of Testing and Materials that apply to a final mixture or product'' after ''D975 or D396'' in subparagraph (B).

SA 1792. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning with line 16, strike through line 5 on page 277 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the

Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy

Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SA 1793. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as

amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy

Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SA 1794. Mr. STEVENS (Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(1) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.q

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SA 1795. Mr. STEVENS (for himself Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SA 1796. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 610, insert the following:

(c) COMMODITY EXCHANGE ACT.—Nothing in this Act affects the jurisdiction of the Commodity Futures Trading Commission with respect to transactions or conduct subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SA 1797. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, after line 23, add the following:

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''Secretary''), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing that directly reflects marginal generation costs;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and greenhouse gas emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide

to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the ''Commission''), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to include voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable state and federal laws, are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction. to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) cost-effectiveness;

''(ii) improved reliability;

''(iii) security; and

''(iv) system performance.

''(v) societal benefit

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(17) SMART GRID CONSUMER INFORMATION.—

''(A) IN GENERAL.—Each State may provide to each electricity consumer located in the State direct access, in written and electronic machine-readable form, information describing—

''(i) the time-based use, price, and source of the electricity delivered to the consumer; and

''(ii) any available optional electricity supplies (including the price and quantity of the optional electricity supplies).

SA 1798. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 79, strike line 8 and all that follows through page 80, line 4, and insert the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause; or

''(II) as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.''.

Beginning on page 87, strike line 16 and all that follows through page 90, line 25, and insert the following:

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

''(5) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall—

''(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

''(ii) publish a response to each comment so received.

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

''(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in

the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

Beginning on page 91, strike line 20 and all that follows through page 95, line 25, and insert the following:

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.''; and

(3) in paragraph (4) (as so designated), by striking ''(4) An'' and inserting the following:

''(4) APPLICATION OF AMENDMENT.—An''.

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.''.

Beginning on page 96, strike line 22 and all that follows through page 98, line 13, and insert the following:

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(H) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).''.

On page 157, line 5, strike ''and if'' and insert the following: ''the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and''.

On page 106, line 23, strike ''2012'' and insert ''2015''.

On page 106, line 24, strike ''2012'' and insert ''2015''.

On page 107, line 3, strike ''2012'' and insert ''2015''.

On page 147, line 20, strike ''from a public utility service''.

On page 166, line 15, insert '', Indian tribal,'' after ''State''.

On page 166, line 18, insert ''of Indian tribes or'' after ''activities''.

On page 166, line 21, insert '', Indian tribes,'' after ''States''.

On page 167, line 12, insert '', INDIAN TRIBES,'' after ''STATES''.

On page 167, line 17, strike ''70'' and insert ''68''.

On page 167, line 18, strike ''and''.

On page 167, line 19, strike ''30'' and insert ''28''.

On page 167, line 19, strike the period and insert ''; and''.

On page 167, between lines 19 and 20, insert the following:

''(iii) 4 percent to Indian tribes.

On page 169, between lines 11 and 12, insert the following:

''(D) DISTRIBUTION TO INDIAN TRIBES.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

''(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

On page 170, line 1, strike ''(B)(ii) or (C)(ii)'' and insert ''(B)(ii), (C)(ii), or (D)(ii)''.

On page 170, lines 10 and 11, strike ''(B)(ii) or (C)(ii)'' and insert ''(B)(ii), (C)(ii), or (D)(ii)''.

On page 171, line 7, insert ''tribal,'' after ''State,''.

On page 171, line 20, insert '', Indian tribes,'' after ''States''.

On page 171, line 24, insert ''Indian tribe,'' after ''State,''.

SA 1799. Mrs. BOXER (for herself, Mr. ALEXANDER, Mr. WARNER, Mr. LIEBERMAN, Mrs. FEINSTEIN, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading ''PUBLIC BUILDINGS'', under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR''—

(1) by striking ''ninety thousand dollars:'' and inserting ''$90,000.''; and

(2) by striking ''*Provided*, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

''(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(C) PROGRAM.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

''(2) ESTABLISHMENT OF PROGRAM.—

''(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

''(i) the availability of carbon capture technologies;

''(ii) energy conservation and carbon reduction strategies; and

''(iii) security of operations at the Capitol power plant.

''(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

''(3) REQUIREMENTS.—

''(A) PROVISION OF GRANTS.—

''(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

''(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

''(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

''(II) the carbon dioxide energy efficiency of the proposed project; and

''(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

''(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

''(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

''(I) by not less than 3 other facilities (including a coal-fired power plant); and

''(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

''(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

''(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

''(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

''(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

''(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

''(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

''(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.''.

SA 1800. Mr. KYL proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE), to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 17 to 20, strike ''to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons''.

SA 1801. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle B of title VIII.

SA 1802. Mr. DORGAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the hydrogen installation and infrastructure costs credit determined under subsection (b), and

''(2) the hydrogen fuel costs credit determined under subsection (c).

''(b) HYDROGEN INSTALLATION AND INFRASTRUCTURE COSTS CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the hydrogen installation and infrastructure costs credit determined under this subsection with respect to each eligible hydrogen production and distribution facility of the taxpayer is an amount equal to—

''(A) 50 percent of so much of the installation costs which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $200,000, plus

''(B) 30 percent of so much of the infrastructure costs for the taxable year as does not exceed $200,000 with respect to such facility, and which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $600,000.

Nothing in this section shall permit the same cost to be taken into account more than once.

''(2) ELIGIBLE HYDROGEN PRODUCTION AND DISTRIBUTION FACILITY.—For purposes of this subsection, the term 'eligible hydrogen production and distribution facility' means a hydrogen production and distribution facility which has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

''(c) HYDROGEN FUEL COSTS CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the hydrogen fuel costs credit determined under this subsection with respect to each eligible hydrogen device of the taxpayer is an amount equal to the qualified hydrogen expenditure amounts with respect to such device.

''(2) QUALIFIED HYDROGEN EXPENDITURE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified hydrogen expenditure amount' means, with respect to each eligible hydrogen energy conversion device of the taxpayer with a production capacity of not more than 25 kilowatts of electricity per year, the lesser of—

''(i) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for hydrogen which is consumed by such device, and

''(ii) $2,000.

In the case of any device which is not owned by the taxpayer at all times during the taxable year, the $2,000 amount in subparagraph (B) shall be reduced by an amount which bears the same ratio to $2,000 as the portion of the year which such device is not owned by the taxpayer bears to the entire year.

''(B) HIGHER LIMITATION FOR DEVICES WITH MORE PRODUCTION CAPACITY.—In the case of any eligible hydrogen energy conversion device with a production capacity of—

''(i) more than 25 but less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$4,000' for '$2,000' each place it appears, and

''(ii) not less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$6,000' for '$2,000' each place it appears.

''(3) ELIGIBLE HYDROGEN ENERGY CONVERSION DEVICES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible hydrogen energy conversion device' means, with respect to any taxpayer, any hydrogen energy conversion device which—

''(i) is placed in service after December 31, 2004,

''(ii) is wholly owned by the taxpayer during the taxable year, and

''(iii) has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

If an owner of a device (determined without regard to this subparagraph) provides to the primary user of such device a written statement that such user shall be treated as the owner of such device for purposes of this section, then such user (and not such owner) shall be so treated.

''(B) HYDROGEN ENERGY CONVERSION DEVICE.—The term 'hydrogen energy conversion device' means—

''(i) any electrochemical device which converts hydrogen into electricity, and

''(ii) any combustion engine which burns hydrogen as a fuel.

''(d) NATIONAL HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL CREDIT LIMITATION.—

''(1) IN GENERAL.—There is a national hydrogen installation, infrastructure, and fuel credit limitation for each fiscal year. Such limitation is $15,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, and $40,000,000 for fiscal year 2010.

''(2) ALLOCATION.—Not later than 90 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a hydrogen installation, infrastructure, and fuel credit allocation program.

''(e) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(f) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to amounts which (but for subsection (g) would be allowed as a deduction under section 162 shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

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

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

''(g) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(h) RECAPTURE.—The Secretary shall, by regulations, provided for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(i) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ''plus'', and by adding at the end the following new paragraph:

''(32) the portion of the hydrogen installation, infrastructure, and fuel credit to which section 30D(f)(1) applies.''.

(2) Section 55(c)(3) of such Code is amended by inserting ''30D(f)(2),'' after ''30C(d)(2),''.

(3) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

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

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

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Hydrogen installation, infrastructure, and fuel costs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007, in taxable years ending after such date.

SA 1803. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

''SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce eligible advanced technology motor vehicle components,

''(B) for engineering integration performed in the United States of such components as described in subsection (d),

''(C) for research and development performed in the United States related to such components, and

''(D) for employee retraining with respect to the manufacturing of such components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both eligible advanced technology motor vehicle components and non-eligible advanced technology motor vehicle components, only the qualified investment attributable to production of eligible advanced technology motor vehicle components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible advanced technology motor vehicle component' means any component inherent to any advanced technology motor vehicle, including—

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

''(I) electric motor or generator;

''(II) power split device;

''(III) power control unit;

''(IV) power controls;

''(V) integrated starter generator; or

''(VI) battery;

''(ii) with respect to any hydraulic new qualified hybrid motor vehicle—

''(I) accumulator or other energy storage device;

''(II) hydraulic pump;

''(III) hydraulic pump-motor assembly;

''(IV) power control unit; and

''(V) power controls;

''(iii) with respect to any new advanced lean burn technology motor vehicle—

''(I) diesel engine;

''(II) turbo charger;

''(III) fuel injection system; or

''(IV) after-treatment system, such as a particle filter or NOx absorber; and

''(iv) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(B) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(i) any qualified electric vehicle (as defined in section 30(c)(1)),

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

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

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

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

''(vi) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(C) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of automotive components.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

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

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

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) for such taxable year plus the tax imposed by section 55 for such taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed—

''(1) as a credit carryback to the taxable year preceding the unused credit year, and

''(2) as a carryforward to each of the 20 taxable years immediately following the unused credit year.

For purposes of this subsection, rules similar to the rules of section 39 shall apply.

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

''(j) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2012.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of such Code, as amended by this Act, is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(f).''.

(2) Section 6501(m) of such Code is amended by inserting ''30E(j),'' after ''30D(e)(9),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30D the following new item:

''Sec. 30E. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after the date of the enactment of this Act.

SA 1804. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATION TO CREDIT FOR NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES.

(a) SPECIAL RULE FOR MODEL YEAR 2009 ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

''(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

''(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 75 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. _____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1805. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between line 27 and 28, insert the following:

''(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.''

SA 1806. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 606 and replace with,

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER

The Secretary of Homeland Security, in coordination with the Comissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status.

SA 1807. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, lines 24–28, strike the following sentence:

''The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''

SA 1808. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, a Y–1 Nonimmigrant:

(1) may be extended for an indefinite number of subsequent two-year periods, as long as each two-year period is separated by physical presence outside the United States for the immediate prior 12 months,

(2) may not be accompanied by their spouse and dependents for any of their 2 year periods of work in the United States, and

(3) may not sponsor a family member to visit them in the United States under the ''parent visa'' created by Section 506 of this Act.

SA 1809. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike line 38 and all that follows through page 16, line 18, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)(B), by striking ''but'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) may not provide the alien with release on bond or with conditional parole if the alien—

''(A) is a national of a noncontiguous country;

''(B) has not been admitted or paroled into the United States; and

''(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.''.

SA 1810. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew the nonimmigrant's status.

SA 1811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), not later than 54 months after the date of the enactment of this Act, the Secretary shall submit a written certification to the President and Congress that—

(A) the border security and other measures described in subsection (a) are funded, in place, and in operation; and

(B) there are fewer than 1,000,000 individuals who are unlawfully present in the United States.

(2) EFFECT OF LACK OF CERTIFICATION.—If the border security and other measures described in subsection (a) are not funded, are not in place, are not in operation, or if more than 1,000,000 individuals are unlawfully present in the United States on the date that is 54 months after the date of the enactment of this Act, title VI shall be immediately repealed and the legal status and probationary benefits granted to aliens under such title shall be terminated.

SA 1812. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 103, line 16, strike ''(b)'' and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under

clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

(d)

SA 1813. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 309, strike line 15 and all that follows through ''January 1, 2007'' on page 310, line 13, and insert the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

''(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

''(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).''.

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on January 7, 2004.

SA 1814. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 312, lines 15 through 17, strike ''(6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I),'' and insert ''(6)(C)(i), (6)(C)(ii), (6)(D), (6)(G), (7),''.

SA 1815. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 323, strike lines 4 through 34, and insert the following:

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) and by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a).

(III) REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service.

(IV) REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must retake the TOEFL and receive the lower of—

(aa) a score of not less than 70; or

(bb) a score of not less than 20 points higher than the score the alien received when the alien took the TOEFL pursuant to subclause (III).

(V) EXCEPTION.—The requirements of subclauses (I), (II), (III), and (IV) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

SA 1816. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 315, between lines 29 and 30, insert the following:

(9) GOOD MORAL CHARACTER.—The alien shall establish that the alien has been a person of good moral character, as described in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), for the entire period of the alien's unlawful presence in the United States.

SA 1817. Ms. STABENOW (for herself, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. BROWN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX-EXEMPT FINANCING OF ALTERNATIVE MOTOR VEHICLE FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 is amended—

(1) by striking ''or'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', or'', and

(3) by inserting at the end the following new paragraph:

''(16) alternative motor vehicle facility.''.

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

''(n) ALTERNATIVE MOTOR VEHICLE FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'alternative motor vehicle facility' means an automobile development and production facility which was built before 1981 and which through financing by the net proceeds of the issue is retrofitted or reconstructed to make such facility compatible for the development and production of qualified alternative motor vehicles or of qualified alternative motor vehicles and component parts for such vehicles.

''(2) QUALIFIED ALTERNATIVE MOTOR VEHICLES.—For purposes of paragraph (1), the term 'qualified alternative motor vehicle' means any vehicle described in section 30B or 30D.

''(3) NATIONAL LIMITATION ON AMOUNT OF BONDS.—

''(A) NATIONAL LIMITATION.—The aggregate amount allocated by the Secretary under subparagraph (C) shall not exceed $1,500,000,000, of which not more than $500,000,000 may be allocated to any single taxpayer (determined under rules similar to the rules in paragraphs (6), (7), and (8) of section 179(d)).

''(B) ENFORCEMENT OF NATIONAL LIMITATION.—An issue shall not be treated as an issue described in subsection (a)(16) if the aggregate face amount of bonds issued pursuant to such issue for any alternative motor vehicle facility (when added to the aggregate face amount of bonds previously so issued for such facility) exceeds the amount allocated to such facility under subparagraph (C).

''(C) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in subparagraph (A) among State or local governments to finance alternative motor vehicle facilities located within the jurisdictions of such governments in such manner as the Secretary determines appropriate.

''(4) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(16) unless at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more facilities within the 5-year period beginning on the date of issuance.

''(B) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in subparagraph (A)(i), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related facilities will continue to proceed with due diligence.

''(C) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under subparagraph (B), by the close of the extended period), the issuer shall use all unspent proceeds of such issue to redeem bonds of the issue within 90 days after the end of such period.

''(5) EXCEPTION FOR CURRENT REFUNDING BONDS.—Paragraph (3) shall not apply to any bond (or series of bonds) issued to refund a bond issued under subsection (a)(16) if—

''(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(C) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

(c) CONFORMING AMENDMENT.—Section 146(g)(3) is amended by striking ''or (15)'' and inserting ''(15), or (16)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonds issued after December 31, 2007, and before January 1, 2013.

SEC. _____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1818. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 24, insert ''or eligible for a credit under section 40(b)(2) or 40A(b)(2)'' after ''6426''.

SA 1819. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 885. ADDITIONAL TARIFFS ON OIL AND GAS PRODUCTS OF VENEZUELA.

(a) FINDING.—The Government of Venezuela has announced its intention to withdraw as a member of the World Trade Organization.

(b) ADDITIONAL TARIFF.—Notwithstanding any other provision of law, there shall be imposed on any oil or gas product imported from Venezuela, in addition to any other duty that would otherwise apply to such product, a rate of duty of 3 percent ad valorem.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to any oil or gas product imported from Venezuela on or after the date that is 15 days after the date of the enactment of this Act.

(2) TERMINATION.—The duties imposed under subsection (b) shall cease to apply if—

(A) the Government of Venezuela files a complaint against the United States claiming that the duties imposed by subsection (b) do not comply with the obligations of the United States under the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9))), or any of the agreements annexed to that Agreement; and

(B) a dispute settlement panel of the World Trade Organization issues an adverse finding against the United States with respect to such complaint.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the growing aviation industry practice of outsourcing maintenance, repair, and overhaul MRO work.

THE PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. 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 20, 2007, at 10:00 a.m. to hold a nomination hearing.

THE PRESIDING OFFICER. Without objection[it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. 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 20, 2007, at 2:30 p.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 20, 2007 at 9:30 a.m. in SD–628. We will be considering the following:

Agenda

1. The Higher Education Access Reconciliation Act (not yet introduced)

2. Amendments to the Higher Education Access Reconciliation Act

3. The following nominations: Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board; Michael Schwartz, of Illinois, to be a Member of the Railroad Retirement Board; Virgil M. Speakman Jr., of Ohio, to be a Member of the Railroad Retirement Board; Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability; Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability; and Kerri Layne Briggs, of Virginia, to be Assistant Secretary