revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 774

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 774 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 775

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 775 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 776

At the request of Mrs. SHAHEEN, the names of the Senator from Delaware (Mr. KAUFMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of amendment No. 776 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 783

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of amendment No. 783 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 788

At the request of Mr. BARRASSO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 788 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 792

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 792 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 793

At the request of Mr. KYL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 793 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 794

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 794 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 795

At the request of Mr. PRYOR, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 795 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 799

At the request of Mr. BENNET, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 799 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. KYL, and Mr. HATCH):

S. 759. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleagues Senators BENNETT, UDALL, KYL, and HATCH to introduce the Indian School Bus Route Safety Reauthorization Act of 2009. This bill continues an important Federal program begun in 1998 that addresses a unique problem with the roads in and around the nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the Nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three states: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,700 miles of public roads serve the Navajo nation. Only about one-third of these roads are paved. The remaining 6,500 miles, 67 percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,200 miles of the roads on the Navajo reservation are BIA roads, and about 3,300 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA and tribal roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in SAFETEA is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the 3 States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, ¾ of McKinley County is either tribal or Federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw

upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, Utah, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, New Mexico, and Apache, Navajo, and Coconino Counties, Arizona. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses do not get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. In 2005, the program was reauthorized in SAFETEA through 2009. Under this provision, $1.8 million is made available each year to be shared equally among the three states. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For the last 12 years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I have had an opportunity to see firsthand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, for fiscal years 2010 through 2015, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the 3 States.

I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation by far the nation's largest and the unique nature of this need that only the Federal Government can deal with effectively.

I do not believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. The Senate already passed this legislation last year. I ask all Senators to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I look forward to working with Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VOINOVICH of the Transportation and Infrastructure Subcommittee, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation programs.

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

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

S. 759

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian School Bus Route Safety Reauthorization Act of 2009''.

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206; 119 Stat. 1460) is amended by striking ''$1,800,000 for each of fiscal years 2005 through 2009'' and inserting ''$2,000,000 for each of fiscal years 2010 through 2015''.

Mr. BENNETT of Utah. Mr. President, I am pleased to join my colleagues Senators BINGAMAN, HATCH, UDALL of New Mexico and KYL as we introduce the Indian School Bus Route Safety Reauthorization Act of 2009. This legislation reauthorizes an important program that has served the Navajo Nation and specifically Navajo children since 1998. The funding provided in this program is used exclusively to maintain roads that provide bus routes for Navajo children. Two thirds of the 9,700 miles of the Navajo public roads are unpaved, dirt roads. Many of these roads are traveled everyday by children heading to school on the bus. When the rough rains and snows of winter hit, the deficient roads are frequently impassable. Damage caused by winds and rains can create huge holes and gullies that often make the roads unfit for a school bus even in good weather!

This program was started in 1998 to ensure the local governments, working in partnership with the Navajo, are able to maintain the roads and ensure the school bus routes are usable and in good condition. Before children can learn at school, they have to get to school! Congress answered the urgent call for help by providing direct funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. This program was reauthorized in SAFETEA–LU in 2005 and we urge our colleagues in the Senate to join us in supporting this important project again in 2009.

This bill provides for $2 million annually to be shared equally among Arizona, New Mexico and Utah. The funding goes directly to the counties that contain the Navajo reservation. These funds can only be used on roads that are located within or that lead to the reservation and that are used by school buses.

I want to take a moment and pay tribute to San Juan County, UT. San Juan County has done a commendable job of working with their Navajo neighbors to ensure a strong working relationship and to truly serve the Navajo members of their community. The Navajo Nation comprises 40 percent of the San Juan County land area and the county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four pre-schools. The funds reauthorized in this bill will allow San Juan County to continue their commitment to ensuring busses can reach the students and thus the students will be safely transported to school.

I am proud to again bring this authorization before the Senate and I look forward to working with my colleagues here and in the House to ensure that this important measure is included in the upcoming transportation authorization. I thank my colleague Mr. BINGAMAN for his strong work on this legislation and look forward to working closely with him as well as Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VOINOVICH of the Transportation and Infrastructure Subcommittee to ensure that this legislation is again included in the comprehensive 6-year transportation reauthorization.

By Mrs. FEINSTEIN:

S. 762. A bill to promote fire safe communities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a series of bills, S. 762, S. 763, and S. 764, designed to better prepare for catastrophic wildfires like the ones that recently devastated Southwestern Australia and

that have plagued much of our country for years.

California has seen unprecedented devastation from wildfires in the last 5 years.

Over 10,000 families have lost their homes.

Over 4 million acres have been burned.

In 2007, wildfires in Southern California caused the evacuation of an estimated 750,000 people—the largest evacuation in California history.

In these fires alone, more than a million acres burned, and more than 2,000 homes were destroyed.

These fires killed nine people, and injured 130. Mostly firefighters.

The financial damage is estimated to be in the billions.

Simply put, this was a disaster of epic proportions.

It was not the first. Southern California suffered similar wildfire losses just 5 years ago.

We must face the fact that catastrophic wildfires are in California's future, and the future of other States.

Experts predict that things are only going to get worse in the years to come.

Global warming, extended droughts, dangerous invasive species outbreaks, and years of poor forest and fuel management have all contributed to the explosive conditions that we now face.

The reality is that California and much of the West is tinder-dry. Fires are larger, and they burn hotter and with more intensity.

In early February we saw the tragic consequences of catastrophic wildfire in Australia. Two hundred are dead, a million acres burned, and whole communities were wiped out in a matter of hours.

Here in the U.S. we face that very same possibility, and we must do everything we can to stop a similar tragedy from devastating our neighborhoods.

The problem is that more and more people are living in areas at high risk of wildfire. There are more than 5 million homes in California alone in this high-threat ''wildland-urban interface.'' Across the rest of the country, there are nearly 40 million more homes located in the wildland urban interface.

So the question comes: What can be done?

There is no doubt that we cannot fully eliminate wildfires.

But I believe that we can take steps now to better protect communities, to improve firefighting capabilities, and to improve relief and recovery aid.

The three bills that I am introducing today will get this process started. They are the Fire Safe Communities Act, which would establish new incentives for communities at risk of wildfires to adopt responsible building codes and mitigation practices.

The Mortgage and Rental Disaster Relief Act, to make sure that qualified individuals, displaced by major disasters, are able to make their mortgage and rental payments.

The Disaster Rebuilding Assistance Act, to increase the amount of federal dollars available to homeowners whose rebuilding costs outstrip their insurance coverage.

The Fire Safe Communities Act will help protect our communities from the catastrophic effects of wildfires.

Most importantly, it does three key things.

It gives incentives to local communities that have adopted responsible fire-mitigation plans by allowing for greater federal reimbursement of firefighting costs during major fires.

It creates a grant program to encourage responsible development practices that meet wildland-urban interface code guidelines.

It allows for the Department of the Interior and the Department of Agriculture to collaboratively work on mitigation projects that will protect homes on State and private lands

In effect, the Federal Government would become the partner of local governments as they seek to make their communities fire-safe.

As I have said, we can never stop wildfires. But we can take important steps to make these fires less destructive.

This bill starts with the first step, by putting a reliable, unambiguous definition to ''Fire Safe'' communities.

Current Wildland fire codes, such as those produced by the International Code Council and the National Fire Protection Association, compile a comprehensive set of best practices that can be adopted by communities that are looking to protect themselves from fire damage. If properly implemented, these codes can greatly improve the fire resistance of these communities and their residents.

The fire code guidelines address water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards.

The target mitigation measures in fire codes have been proven to be effective. Firefighter groups, insurance companies, and blue ribbon panels have all come to the same conclusions. It is time that we take their advice and start making this important investment.

The bill authorizes a $25 million per year grant program, administered by the Federal Emergency Management Agency's, FEMA, Office of Grants, and Training.

It will help communities implement these standards, and bring the safest development practices to their neighborhoods.

This grant program will be available to local governments located in the wildlife-urban interface, and to high-threat regions that have adopted—or plan to adopt—these responsible firesafe measures.

As further incentive, this bill makes the existing Fire Management Assistance Grants program contingent on the implementation of Firesafe codes, standards and ordinances.

Today under the Fire Management Assistance Grant program, the federal government covers 75 percent of the cost of fighting wildfires.

Under this bill, communities that adopt the firesafe codes would be eligible for Federal reimbursement of up to 90 percent of their firefighting costs.

It is important to note that firesafe building codes, standards and ordinances are not mandatory. The Federal Government should not be in the business of telling local governments how and where to build their buildings.

Instead these are voluntary codes; communities can choose to adopt, or not to adopt, at their discretion.

The bill does not step on the toes of local government. Rather, helps all of us reach a common goal.

I come from local government—I am 9 years a mayor, 9 years a county supervisor—and I recognize that zoning is the province of local government.

But we have a real problem here: We know that development in the wildland-urban interface is accelerating, and it is making fires more costly.

We need to take steps to improve fire safety in these areas.

This bill is an important step toward becoming better prepared.

Now I want to discuss two bills intended to improve recovery aid after disaster strikes.

The Mortgage and Rental Disaster Relief Act will provide much-needed relief to working families hit hard by disasters.

It would authorize FEMA to make mortgage and rental assistance available for qualified individuals in communities designated as disaster areas by the President under the Stafford Act.

It is based on an important point: While catastrophic wildfires and other disasters can destroy homes, they don't relieve people of the financial obligations that come with home ownership or lease agreements.

In most cases, these payments must still be made, even if the residence has been wiped out.

This burden is too much for many working families. They incur additional expenses—such as hotel or lodging costs—that come with being displaced following a major disaster.

FEMA used to provide mortgage and rental assistance. But these types of assistance were eliminated by the Disaster Mitigation Act of 2000.

This bill would re-authorize the program, and make several changes to ensure that assistance is provided only to those most in need.

First, to qualify for assistance applicants must demonstrate that they face significant economic hardships and suffered disaster-related income loss.

The disaster-related income loss must fit into one of the following categories: your employer, or your own business, must be located in the area declared a major disaster by the President; you lose your job because your

employer or business has a significant business relationship with a company located within the Presidentially declared disaster area; or you live in a Presidentially declared disaster area, and have suffered financially due to travel restrictions and road closures post-disaster.

To qualify for this aid, applicants must also provide proof that their employment was discontinued as a result of disaster.

They must also show imminent delinquency, eviction, dispossession, or foreclosure.

Finally, this assistance is available only for up to 18 months, and is subject to income caps.

Only households with adjusted gross incomes of $100,000 or less, in high-cost states such as California, would be eligible.

Households in lower-cost States could be eligible if their annual adjusted gross incomes do not exceed $75,000.

In today's market conditions, the federal government needs to make sure that we do everything we can to help families stay in their homes.

The Mortgage and Rental Assistance Act will prevent foreclosures in disaster areas by helping families make their payments on time. Given the state of the housing market, this bill is of the utmost importance and I urge my colleagues to support this legislation.

The Disaster Rebuilding Assistance Act would increase the amount of money FEMA can provide—for rebuilding and temporary housing—in high-cost states such as California.

It is designed to help disaster victims whose rebuilding costs exceed their insurance coverage. Or for low income earners who have no insurance.

Sadly, many Californians hit by wildfires or other disasters learn too late that their insurance coverage is insufficient.

This is a real problem in California. In fact, California Insurance Commissioner Steve Poizner estimates that as many as 25 percent of the victims of the 2007 wildfires were underinsured.

Let me be clear: this bill will not cover the full costs of rebuilding.

But it will help close the gap, for qualified households in areas declared by the President to be disaster areas.

Today, FEMA can provide up to roughly $28,000 to individuals and households whose rebuilding costs exceed their insurance coverage. This assistance can be used for rebuilding costs, as well as temporary housing.

The Disaster Rebuilding Assistance Act would increase this amount to $50,000 for individuals who earn less than $100,000 per year. By increasing the amount of assistance, and targeting the program toward lower-income homeowners, the FEMA Disaster Assistance program will more efficiently help homeowners recover from disasters.

The legislation also gives the President the discretion to increase this cap, if necessary, to cover rebuilding expenses in high-cost states.

I believe this bill will provide an important step toward giving Americans the chance they need to rebuild their lives after suffering through a major disaster.

Catastrophic wildfires are not going away. In fact, the evidence strongly suggests they will occur with greater frequency and ferocity.

But we can take important steps—now—to make our communities safer.

To strengthen our firefighting capabilities.

To ensure that more relief and recovery aid is provided to victims, so they can get back on their feet as soon as possible.

These bills are not a panacea. But they are an important first step. I urge my colleagues to vote for them.

By Ms. MURKOWSKI:

S. 766. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipeline transportation utility systems in nonwilderness areas within the boundary of Denali National Park and Preserve; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that will authorize a right-of-way for Construction of an in-state natural gas pipeline to run along the State's main highway from Fairbanks to Anchorage. This bill would provide a right-of-way for a natural gas pipeline near the shoulder of the Parks Highway for the roughly 7 miles that the highway runs through Denali National Park.

I wish to explain I am introducing the bill now, and why, rather than being an infringement on Alaska's most visited Interior national park, the measure is actually the favored route by many in the environmental community to bring natural gas from the foothills of Alaska's North Slope to Southcentral Alaska.

While many in this body have heard about plans for a large-volume natural gas pipeline to run from the Prudhoe Bay oil fields to the Lower 48—the project for which many in this body voted to approve a loan guarantee, tax credits and permitting improvements in 2004—there is concern that the big pipeline will not be finished in time to get gas to Southcentral Alaska. That is gas that is vital for electric generation in Anchorage, the Mat-Su Borough and Kenai Peninsula. Currently electricity in Alaska's southern Railbelt, as it is called, is often generated by burning natural gas that has been produced since the 1960s from the gas fields in Cook Inlet, south of Anchorage. But production from Cook Inlet, while the province theoretically holds far more gas, has been falling for years. A major fertilizer plant near Kenai, for example, had to close in 2007 because there was not enough natural gas being produced to allow it to obtain the raw product it needed for urea production.

While there are contract issues involving problems with getting sufficient gas quantities for Railbelt utilities starting as early as next year, there are serious concerns about the ability of the region to produce sufficient gas for electric generation and home heating for Alaska's most populated area as early as 2014.

To provide a new, reliable natural gas supply, one proposal, the so-called ''bullet'' gas pipeline, is to construct a small diameter natural gas line, 24 inches in size, to run from Alaska's North slope region, pass Fairbanks along the Parks Highway, and terminate near Wasilla, Alaska. This pipeline would tie into existing transmission systems and would bring about 500 million cubic feet of gas a day to Southcentral Alaska. This project would be completed well in advance of when a larger-diameter pipeline might be in service to deliver 4 to 4.5 billion cubic feet a day to Lower 48 markets. Given the pace of planning for construction of the main line, it is unlikely that a larger Alaska natural gas pipeline will be able to deliver gas now until 2018 or 2019, perhaps four or more years too late to aid Southcentral Alaska's growing need for natural gas. Further, any delays in solidifying a new gas supply could permanently end chances to reopen the Agrium fertilizer plant and to continue operations of the Kenai LNG export terminal, both key components of local Kenai Peninsula industry.

There are two potentially competing proposals for a small diameter, in-state gas pipeline. I have just described the ''bullet'' line proposal. The second proposal it to run a similarly sized pipeline along the Richardson and Glenn Highways to the east, also tying into existing transmission systems near Palmer, Alaska. There are advantages to both routes, the Parks route delivering gas to communities along the Parks Highway and providing clean natural gas to Denali National Park, while the Richardson/Glenn project would help provide economic activity to differing towns, such as Delta and Glennallen to the east.

It is not my desire to prejudge the outcome of which project or route should be selected, since that decision will be made by Alaska state regulators and financial markets. It is my desire, however, to introduce legislation that would clear the lone legal impediment to planning for the Parks route, that being how to get the gas economically through the mountainous central region of the State past Denali National Park and Preserve.

According to a recent analysis of routing options through this area, there are two feasible routes for a pipeline through or around the roughly 10–mile bottleneck of the Nenana River Canyon and Denali National Park and Preserve. The shortest and most logical route follows the existing highway through this entire area, 7 miles of which passes through Denali National

Park. This route causes the least environmental and visual impact due to its location in an existing corridor, and provides a route that is easily accessible for routine pipeline maintenance. The other feasible pipeline route diverts from the highway to stay outside of the national park boundaries, but in so doing skirts across a steep hillside that dominates a park visitor's view to the east. Furthermore, the route that avoids the park will create a new disturbed corridor in a remote location, and will cause pipeline operations and reliability challenges due to the remoteness and the ruggedness of the route. The route that avoids the park is estimated to cost twice as much as the route along the highway and through the park.

Besides being less expensive to construct and operate, the pipeline along the existing, previously disturbed Parks Highway right-of-way, also permits electric generation for the park facilities at Denali to come from natural gas. And for the first time reasonably priced compressed natural gas, CNG, would be available to power park vehicles—another environmental benefit of the Parks Highway route. Currently National Park Service permitted diesel tour buses travel 1 million road miles annually. Converting the buses to operate on CNG would significantly reduce air emissions in the park. A third benefit is that for the pipe to cross the Nenana River, not far from the park's entrance, will require a new bridge to be built that could carry not just the pipe, but provide a new pedestrian access/bicycle path for visitors that today need to walk along the heavily traveled highway rather than on a separated, pedestrian path toward visitors attractions and hotels located just outside of the park's entrance. In all probability the installation work will be conducted in the shoulder seasons to make sure there are no visitor dislocations for tourists visiting the park.

For those reasons and others, a group of eight environmental groups: The National Parks and Conservation Association, the Alaska Conservation Alliance, the Denali Citizens Council, The Wilderness Society, Cook Inlet Keeper, the Alaska Center for the Environment, the Wrangell Mountain Center and the Alaska Wildlife Alliance have formally endorsed the granting of a gas line right-of-way through Denali Park, along the existing highway right of way.

The granting of a permanent 20-foot easement, and probably a 100-foot construction easement, is not precedent setting. The National Park Service already has granted a permit for an installed fiber-optic cable along the same basic alignment for an Alaska communications company. Obviously the exact right-of-way will have to be delineated to avoid the existing cable and to accommodate park goals, such as routing around a vernal pond viewing area located along the general right-of-way.

I am proposing this bill simply to authorize the right-of-way for a Parks Highway route soon so that the decision on which route is best for the state and its citizens—if the ''bullet'' line option is chosen—can be made based on greater certainty in the cost estimates for a Parks Highway project. Removing the uncertainty of permitting and regulatory delays will at least permit the Parks Highway route to be on a level playing field with the Richardson and Glenn Highway route when a routing decision is made. Then the decision on which project makes the most sense for all Alaskans can be made without fear that right-of-way acquisition delays could inflate project costs.

If the Parks route is chosen and the project proceeds, then the national park will benefit from the environmental benefits of natural gas and compressed natural gas being available for park activities, cutting air quality concerns, and improving pedestrian access. I truly believe there are no environmental issues with this legislation. I think anyone who has ever traveled on the Parks Highway in Alaska near the park would agree, and I hope it can be considered by Congress relatively soon.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

30 JANUARY 2009.

Re Denali National Park & Preserve Title XI process.

M. COLLEEN STARRING,
President, ENSTAR Natural Gas Company, Anchorage AK.

DEAR MS. STARRING, thank you and your staff for reaching out to the Alaska conservation community early on in your process to obtain permits to build a bullet gas pipeline from either the Foothills or Prudhoe Bay into the existing Southcentral gas pipeline system. In your presentation to us, your identified immediate concern was location of the right-of-way either through or around the Nenana Canyon and Denali National Park & Preserve. We appreciate the two briefings you have provided to the community on the options at Denali.

Based on the information you have provided to us at these two briefings, the apparent logical environmentally preferable choice for the gas pipeline through Denali National Park & Preserve is the six miles along the Parks Highway. This would seem to make the most sense from both an engineering and an environmental perspective as going around the park would necessitate construction in currently undeveloped lands. While the signers of this letter agree that bringing the gas pipeline along the Parks Highway through Denali seems to be the environmentally preferable alternative, we reserve final judgment until completion of the environmental review.

As mitigation for the pipeline through the park, we were pleased to hear you discuss the opportunity for a pathway constructed atop the pipeline ROW and a new pedestrian bridge across the Nenana River at McKinley Village. We feel this expansion of the existing front-country trail system would be a benefit to park visitors and would link the many visitors at McKinley village into the park entrance area by trail. We strongly encourage continuation of this part of the plan. In addition, we encourage you to work with the Park Service to see if they would benefit from a lateral line into the park to support both the energy needs of the park headquarters complex and also possible use of natural gas for park buses.

Assuming the preferred gas pipeline right-of-way is along the Parks Highway, there will need to be a Title XI review for the six miles through Denali, which we anticipate will be included in your environmental review. Currently the National Park Service is not authorized to issue a right-of-way permit for gas pipelines anywhere in the country, which means final approval of the Title XI permit would need to go to the President and then to Congress. While our preference would be to complete the environmental review and, assuming the Parks Highway route is the best, follow the existing Title XI process, we understand that Enstar is developing legislation to give the National Park Service authority to issue a right-of-way permit for the six miles within Denali IF the environmental review shows it to be the environmentally preferable route.

This would not negate the need for a Title XI review, but it would allow the Park Service to make the decision without any additional review by the administration or Congress. We need to withhold any position on this proposed legislation until we see specific language, In keeping with your pattern of outreach early in the process, we would very much like to be a part of crafting this legislation to ensure that it is specific to this project only and it only provides authority to the Park Service to issue the right-of-way should the environmental review show it is the environmentally preferable alternative.

Furthermore, this letter should not be construed as anything more than an understanding of how to get through the six miles inside the boundaries of Denali National Park & Preserve. There are many unanswered questions about the routing and construction of the pipeline beyond these six miles that remain of interest and concern to many conservation groups in Alaska. We strongly urge you to expand your right-of-way and source of gas discussions with many of these same groups to cover the entire project.

Signed:

JIM STRATTON,
Alaska Regional Director, National Parks Conservation Association.

KATE TROLL,
Executive Director, Alaska Conservation Alliance.

NANCY BALE,
President, Denali Citizens Council.

ELEANOR HUFFINES,
Alaska Regional Director The Wilderness Society.

TOBY SMITH,
Executive Director, Alaska Center for the Environment.

JEREMY PATAKY,
Executive Director, Wrangell Mountains Center.

BOB SHAVELSON,
Executive Director Cook Inlet Keeper.

JOHN TOPPENBERG,
Director, Alaska Wildlife Alliance.

By Mr. UDALL, of New Mexico (for himself, Mr. BINGAMAN, Mr. BOND, Mr. INOUYE, Mr. KERRY, Mr. LEVIN, Mr. UDALL of Colorado and Ms. LANDRIEU):

S. 768. A bill to grant the Congressional Gold Medal to the soldiers from the United States who were prisoners of war at Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce legislation to award the Congressional Gold Medal to some of the bravest soldiers ever to wear this country's uniform—the prisoners of war from the Bataan Death March.

For the thousands of soldiers who were surrendered to enemy forces on April 9, 1942, the years that have passed since have been filled with memories of what occurred that day and in the hundreds of days that followed: starvation, torture, forced work, captivity and death.

But in the 66 years since, the events at Bataan have conjured other ideas for the rest of us: bravery, sacrifice, and an unbreakable demonstration of courage.

''The Battling Bastards of Bataan,'' they were christened by Frank Hewlett, one of the last journalists to report on the troops before they were surrendered. For 4 months they fought, battling daily against the enemy, against illness, and against time. And when there was no fight left, when the time for surrender was upon them, they were alone. Neither planes in the skies nor boats in the sea appeared, ready to give the boost of firepower that would turn the tides. Instead, the men at Bataan laid down their weapons and walked into a hell that would last over 3 years.

Many survivors never recovered from their experience. Half died within a few years of returning home. Others lived on in physical and mental pain for the rest of their lives—a daily reminder of the experience they had endured.

But the story of Bataan is not just about surrender or the suffering that followed. By holding off enemy fighters longer than expected, the Bataan forces gave the Allies time to regroup after Pearl Harbor. Their sacrifice allowed Allied commanders to take the fight to the enemy. And they made a future victory possible.

The soldiers of Bataan also gave America something we needed as much as guns or tanks. They gave us an example. Their story inspired American soldiers to fight and committed American commanders to retaking the Pacific. Just as an earlier generation of Americans had remembered the Alamo, our soldiers in World War II remembered Bataan. We should remember it today as a place where America's fighting spirit showed itself to the world.

For those of us from New Mexico, the events at Bataan strike home particularly hard. Eighteen hundred men from New Mexico's 200th and 515th regiments left their homes to fight; half returned. These soldiers earned the honor of being the ''first to fire'' on the enemy on December 8, 1941—the day after Pearl Harbor. They and their families have spread the story of Bataan to their New Mexico neighbors. We feel the suffering they saw. And we take pride in their heroism.

For six decades, the Western world has enjoyed the freedom that the Bataan veterans helped to win. For six decades, our world has been more peaceful because of the sacrifices they made. And for six decades, those men have not received the honor that is their due.

This failure of memory hits particularly hard because so many of the men who suffered at Bataan were Hispanic. They fought and died in the uniform of a nation that treated them as second class citizens. While in uniform, many faced discrimination if they had Hispanic surnames or were caught speaking Spanish. This legislation will honor American heroes, including those who were asked to sacrifice and then forgotten when the fighting was over.

We must always remember the sacrifice of our soldiers, particularly during times of war. The men and women who risk their lives today must know that America never forgets those who sacrifice in her name. By recognizing the heroes of Bataan, we show our commitment to the heroes of Kabul and Baghdad—and to the heroes of the future.

I thank Senator BOND for joining me as the lead cosponsor of this legislation. His home State of Missouri had hundreds of soldiers at Bataan, including one, John Playter, who passed away recently this year but never stopped telling his story. I also want to thank Senators BINGAMAN, INOUYE, LANDRIEU, LEVIN, KERRY, and UDALL for being original cosponsors. I also thank the VFW and AMVETS for their support of this legislation.

I hope you will join them—and so many others—in supporting this legislation.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 770. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, tobacco is responsible for 1 in 5 deaths in the U.S.—that is 438,000 deaths every year. Sadly, another 50,000 Americans die each year from exposure to second hand smoke. Just this year, scientists discovered another danger in ''third hand smoke'' which describes the chemicals that cling to smokers'' hair and clothing, and linger in cushions and carpeting long after smoke has cleared a room. This residue includes heavy metals, carcinogens and even radioactive materials that young children can get on their hands and ingest, especially if they are crawling or playing on the floor.

Despite the known dangers of tobacco use, more than 45 million adults in the U.S. smoke cigarettes. Approximately 90 percent of those adults started smoking before the age of 14. Every day over 3,500 kids under age 18 try smoking for the first time, and of these, 1,100 will become regular, daily smokers. Between ⅓ and ½ will eventually die as a result of their addiction.

The likelihood of being a smoker varies depending on your ethnicity, socioeconomic status, and even where you live. African-Americans are twice as likely as the general population to smoke, and communities in the South are more likely to be smoker-friendly than other communities in the country. While 22.5 percent of the general adult population in the U.S. currently smokes, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

The costs to our Nation of tobacco use are staggering. Total health costs attributable to tobacco approach $100 billion annually, and comprise an estimated 14 percent of all Medicaid costs. Our Federal Government pays $17.6 billion through Medicaid and $27.4 billion through Medicare for smoking related illnesses. Tobacco use is a leading cause of pregnancy complications, premature birth, and low birth weight.

Despite the fact that nicotine is a highly addictive drug, research has confirmed that smoking cessation strategies that include evidence based counseling and FDA-approved pharmacotherapies are effective. More than 4 in 5 smokers say they want to quit, and each year about 1.3 million smokers do quit. Overcoming an addiction to tobacco is arguably one of the single most important lifestyle changes that a person can make to improve and extend his or her health and life.

Studies have shown that reducing adult smoking through tobacco cessation treatment pays immediate dividends, both in terms of health improvements and cost savings. Shortly after quitting smoking, blood circulation improves, carbon monoxide levels in the blood decrease, the risk of heart attack decreases, lung function and breathing are improved, and coughing decreases. Pregnant women who quit smoking before their second trimester decrease the chances that they will give birth to a low-birth-weight baby. Over the long term, quitting will reduce a person's risk of heart disease and stroke, improve symptoms of COPD, reduce the risk of developing smoking-caused cancer, and extend life expectancy. Breaking an addition to nicotine is a very difficult process, and that is why we should make a variety of treatment options available to tobacco users.

I am proud to be joined by my colleagues Senator KENNEDY in introducing the Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2009. This legislation would make it easier for people to access tobacco cessation treatment therapies in three meaningful ways.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco-related diseases over the next 20 years.

Second, this bill provides coverage for counseling, prescription and non-prescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the states have received payments from their successful federal lawsuit against the tobacco industry, less than half the states provide coverage for smoking cessation in their Medicaid program. Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over seven years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Finally, this bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services.

As Congress examines more closely the impact of tobacco on our country—considering regulation by the FDA or raising taxes to pay for public health priorities—we must make sure we assist those fighting this deadly addiction. I hope my colleagues will join me in cosponsoring this legislation and taking a stand for the public health of our Nation.

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

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

S. 770

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare, Medicaid, and MCH Tobacco Cessation Promotion Act of 2009''.

SEC. 2. MEDICARE COVERAGE OF COUNSELING FOR CESSATION OF TOBACCO USE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 152(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subparagraph (DD), by striking ''and'' at the end;

(2) in subparagraph (EE), by inserting ''and'' at the end; and

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

''(FF) counseling for cessation of tobacco use (as defined in subsection (hhh));''.

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as so amended, is amended by adding at the end the following new subsection:

''(hhh) COUNSELING FOR CESSATION OF TOBACCO USE.—(1)(A) Subject to subparagraph (B), the term 'counseling for cessation of tobacco use' means diagnostic, therapy, and counseling services for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

''(i) by or under the supervision of a physician;

''(ii) by a practitioner described in clause (i), (iii), (iv), (v) or (vi) of section 1842(b)(18)(C); or

''(iii) by a licensed tobacco cessation counselor (as defined in paragraph (2)).

''(B) Such term is limited to—

''(i) services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

''(ii) such other services that the Secretary recognizes to be effective.

''(2) In this subsection, the term 'licensed tobacco cessation counselor' means a tobacco cessation counselor who—

''(A) is licensed as such by the State (or in a State which does not license tobacco cessation counselors as such, is legally authorized to perform the services of a tobacco cessation counselor in the jurisdiction in which the counselor performs such services); and

''(B) meets uniform minimum standards relating to basic knowledge, qualification training, continuing education, and documentation that are established by the Secretary for purposes of this subsection.''.

(c) PAYMENT AND ELIMINATION OF COST-SHARING FOR COUNSELING FOR CESSATION OF TOBACCO USE.—

(1) PAYMENT AND ELIMINATION OF COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking ''and'' before ''(W)''; and

(B) by inserting before the semicolon at the end the following: '', and (X) with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh)), the amount paid shall be 100 percent of the lesser of the actual charge for the service or the amount determined by a fee schedule established by the Secretary for purposes of this subparagraph''.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking ''and diagnostic mammography'' and inserting '', diagnostic mammography, or counseling for cessation of tobacco use (as defined in section 1861(hhh))''.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting ''; and''; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

''(H) with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(X),''.

(3) ELIMINATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking ''and'' before ''(9)''; and

(B) by inserting before the period the following: '', and (10) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh))''.

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

''(vii) A licensed tobacco cessation counselor (as defined in section 1861(hhh)(2)).''.

(e) INCLUSION AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

''(O) Counseling for cessation of tobacco use (as defined in subsection (hhh)).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF TOBACCO CESSATION PHARMACOTHERAPY.

(a) INCLUSION OF TOBACCO CESSATION AGENTS AS COVERED DRUGS.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) any agent approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation that may be dispensed without a prescription (commonly referred to as an 'over-the-counter' drug), but only if such an agent is prescribed by a physician (or other person authorized to prescribe under State law),''.

(b) ESTABLISHMENT OF CATEGORIES AND CLASSES CONSISTING OF TOBACCO CESSATION AGENTS.—Section 1860D–4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(C)) is amended by adding at the end the following new clause:

''(iv) CATEGORIES AND CLASSES OF TOBACCO CESSATION AGENTS.—There shall be a therapeutic category or class of covered part D drugs consisting of agents approved by the Food and Drug Administration for cessation of tobacco use. Such category or class shall include tobacco cessation agents described in subparagraphs (A) and (C) of section 1860D–2(e)(1).''.

(c) CONFORMING AMENDMENT.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)), as amended by section 175 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking '', other than subparagraph (E) of such section (relating to smoking cessation agents),''.

SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (27), by striking ''and'' after the semicolon at the end;

(B) in paragraph (28), by striking the comma at the end and inserting ''; and''; and

(C) by inserting after paragraph (28) the following new paragraph:

''(29) at the option of the State, counseling for cessation of tobacco use (as defined in section 1861(hhh)),''.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''or (29)'' after ''(24)''.

(b) ELIMINATION OF OPTIONAL EXCLUSION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: '', other than agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation''.

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(1) in subparagraph (D), by striking ''or'' after the comma at the end;

(2) in subparagraph (E), by striking ''; and'' and inserting '', or''; and

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

''(F)(i) counseling for cessation of tobacco use described in section 1905(a)(29); or

''(ii) covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation; and''.

(d) INCREASED FMAP FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(4)''; and

(2) by inserting before the period the following: '', and (5) for purposes of this title, the Federal medical assistance percentage shall be 80 percent with respect to amounts expended as medical assistance for counseling for cessation of tobacco use described in subsection (a)(29) and for covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

''(d) For purposes of this title, quality maternal and child health services include the following:

''(1) Counseling for cessation of tobacco use (as defined in section 1861(hhh)).

''(2) The encouragement of the prescribing and use of agents approved by the Food and Drug Administration for purposes of tobacco cessation.

''(3) The inclusion of messages that discourage tobacco use in health promotion counseling.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

By Mr. DORGAN (for himself and Mr. VOINOVICH):

S. 774. A bill to enhance the energy security of the United States by diversifying energy sources for onroad transport, increasing the supply of energy resources, and strengthening energy infrastructure, and for other purposes; to the Committee on Finance.

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

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

S. 774

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Energy Security Act of 2009'' or the ''NESA of 2009''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) high and volatile international oil prices represent an unsustainable threat to the economic and national security of the United States; and

(B) approximately 40 percent of the primary energy demand of the United States is met by petroleum, the price for which is set in a fungible and opaque international market vulnerable to geopolitical instability and increasingly complex barriers to investment;

(2)(A) it should be the goal of the United States to reduce the oil intensity (the number of barrels of oil required to generate $1 of gross domestic product) of the national economy from 2008 levels by at least 50 percent by calendar year 2030 and by at least 80 percent by calendar year 2050; and

(B) reduced oil intensity is a primary means for improving the resilience of the economy to high and volatile international oil prices;

(3) the transportation sector of the United States is critical to breaking the oil dependence of the United States because the transportation sector—

(A) accounts for nearly 70 percent of total national oil consumption;

(B) is 97-percent reliant on petroleum for the delivered energy needs of the sector; and

(C) remains an industry of vital national significance and importance;

(4)(A) electrification of short-haul transportation represents a likely pathway to reduced oil dependence;

(B) electrified ground transport—

(i) promotes fuel diversity because the electric power sector uses a diverse range of feedstocks; and

(ii) relies on a portfolio of fuels that are largely domestic and have prices that are generally less volatile than oil; and

(C) electricity prices are generally stable relative to oil because the price of fuel in the electric power sector is a small portion of the cost of delivered energy;

(5)(A) electrification of transportation will require a more modern, technologically advanced national electric power system that draws on a variety of location-constrained generation sources sited in a range of geographic areas; and

(B) a national transmission system that efficiently delivers power across long distances to load centers should be a high priority;

(6)(A) widespread deployment of electric vehicles and supporting infrastructure is a long-term process that will require a national commitment over many years;

(B) in the interim, steps can be taken to minimize the danger that oil dependence poses to the economic and national security of the United States; and

(C) it is critical to—

(i) support the continued growth of the domestic biofuels industry;

(ii) foster domestic production of conventional fuels for which infrastructure and technology exist; and

(iii) support deployment of additional renewable, cleaner fossil, and nuclear generating capacity for providing the necessary low emissions, reliable, and dispatchable power that is essential for the electricity supply of the United States;

(7)(A) a robust, dynamic, and diverse biofuels industry is an important component of a secure United States liquid fuels system; and

(B) a stable market for biofuels, including widespread deployment of flexible fuel vehicles, can reduce oil consumption as the United States transitions to electrified ground transport;

(8)(A) domestic production of oil and natural gas from the Outer Continental Shelf of the United States is a safe and secure means for increasing energy security in the near-term;

(B) high oil import levels in the United States present an added threat to the economy in addition to general price volatility; and

(C) in 2008, the United States net deficit in petroleum trade amounted to more than $380,000,000,000, or nearly 60 percent of the total trade deficit;

(9) a highly skilled, well trained, and adaptable workforce is vital to the economic and energy security of the United States; and

(10)(A) addressing the twin challenges of energy security and global climate change now and in the future will require the United States to use all instruments of national power, including the military and diplomatic and intelligence services;

(B) the United States must develop short-term policies and strategies that—

(i) protect key energy infrastructure;

(ii) secure critical geographic transit areas;

(iii) mitigate political instability from energy suppliers; and

(iv) strengthen the domestic industrial base required for the development and widespread implementation of clean energy technologies; and

(C) over the long-term, the United States must focus national security organizations on gaining greater clarity on world reserves of energy and strengthening relationships with certain key nations.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

DIVISION A—TRANSMISSION AND TRANSPORTATION

TITLE I—ELECTRICITY TRANSMISSION

SEC. 101. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) by striking subsections (a) through (g) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) BENEFICIARY.—The term 'beneficiary' means a wholesale or retail customer, market participant, or other entity that benefits from a transmission upgrade, enhancement, or expansion under a regional transmission plan, including an economic benefit, improvement in service reliability, or reduction in greenhouse gas emissions.

''(2) CLEAN ENERGY SUPERHIGHWAY.—The term 'Clean Energy Superhighway' means the interstate extra-high voltage transmission grid overlay established under this section.

''(3) CLEAN ENERGY SUPERHIGHWAY FACILITY.—The term 'Clean Energy Superhighway facility' means an overhead or underground transmission facility of the Clean Energy Superhighway included in a plan certified under subsection (b)(9) (including conductors, cables, towers, manhole duct systems, phase shifting transformers, reactors, capacitors, and any ancillary facilities and equipment necessary for the proper operation of the facility) that—

''(A) operates at or above a voltage of 345 kilovolt alternating current;

''(B) operates at or above a voltage of 400 kilovolts direct current;

''(C) is a renewable feeder line that transmits electricity directly or indirectly to the Clean Energy Superhighway; or

''(D) is a necessary upgrade to an existing transmission facility.

''(4) GRID-ENABLED VEHICLE.—The term 'grid-enabled vehicle' means an electric drive vehicle, electric hybrid vehicle, or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or localized energy storage system to charge or discharge an on-board energy storage device, such as a battery.

''(5) INTERCONNECTION.—The term 'Interconnection' has the meaning given the term in section 215(a).

''(6) LOAD-SERVING ENTITY.—The term 'load-serving entity' means any person, Federal, State, or local agency or instrumentality, public utility, or electric cooperative (including an entity described in section 201(f)) that delivers electric energy to end-use customers.

''(7) LOCATION-CONSTRAINED RESOURCE.—

''(A) IN GENERAL.—The term 'location-constrained resource' means a low-carbon resource used to produce electricity that is geographically constrained such that the resource cannot be relocated to an existing transmission line.

''(B) INCLUSIONS.—The term 'location-constrained resource' includes the following types of resources described in subparagraph (A):

''(i) Renewable energy.

''(ii) A fossil fuel electricity plant equipped with carbon capture technology that is located at a site that is appropriate for carbon storage or beneficial reuse.

''(8) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from—

''(A) solar energy, wind, landfill gas, renewable biogas, or geothermal energy;

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

''(i) the hydroelectric project installed on the nonhydroelectric dam—

''(I) is licensed by the Commission; and

''(II) meets all other applicable environmental, licensing, and regulatory requirements, including applicable fish passage requirements;

''(ii) the nonhydroelectric dam—

''(I) was placed in service before the date of enactment of the National Energy Security Act of 2009;

''(II) was operated for flood control, navigation, or water supply purposes; and

''(III) did not produce hydroelectric power as of the date of enactment of the National Energy Security Act of 2009; and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving the environmental quality of the affected waterway, as certified by the Commission;

''(C) hydrokinetic energy, including—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

''(ii) free flowing water in rivers, lakes, and streams;

''(iii) free flowing water in man-made channels, including projects that use non-mechanical structures to accelerate the flow of water for electric power production purposes; or

''(iv) differentials in ocean temperature through ocean thermal energy conversion; or

''(D) electricity that is generated from the combustion of the biogenic portion of municipal solid waste materials from facilities that comply with the maximum pollutant emissions standards established by the Administrator of the Environmental Protection Agency.

''(9) RENEWABLE FEEDER LINE.—

''(A) IN GENERAL.—The term 'renewable feeder line' means an electricity transmission line that—

''(i) operates at or above 100 kilovolts alternating current;

''(ii) connects 1 or more renewable energy generators directly or indirectly to the Clean Energy Superhighway; and

''(iii) is identified in the Clean Energy Superhighway plan certified under subsection (b)(9).

''(B) INCLUSION.—The term 'renewable feeder line' includes an upgrade to an existing transmission line necessary for interconnection to a new transmission line described in subparagraph (A).

''(10) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(11) STATE.—The term 'State' means—

''(A) a State; and

''(B) the District of Columbia.

''(b) PLANNING.—

''(1) PURPOSE.—The purpose of this subsection is to plan for a Clean Energy Superhighway that—

''(A) expands and modernizes the electrical transmission grid of the United States to meet the goals of increasing energy security and protecting the environment;

''(B) integrates location-constrained resources, including renewable and low-carbon electricity generation;

''(C) improves delivery of electricity from location-constrained resources to load centers;

''(D) ensures sufficient transmission capacity for future demand growth, including energy efficiency, distributed generation and storage, and demand response resources;

''(E) integrates smart grid technologies;

''(F) enhances the reliability and efficiency of the electrical transmission grid;

''(G) relieves congestion on the electrical transmission grid;

''(H) plans, to the maximum extent practicable, for at least 50 percent of light-duty vehicles used in the United States by calendar year 2030 to be light-duty grid-enabled vehicles;

''(I) meets any renewable electricity standard established by law; and

''(J) provides the lowest-cost delivered energy to markets.

''(2) PLANNING REQUIREMENT.—

''(A) IN GENERAL.—

''(i) REQUIREMENT.—Not later than 90 days after the date of enactment of the National Energy Security Act of 2009, the Commission shall promulgate regulations consistent with this section for—

''(I) the operation, composition, and selection of the regional planning authorities; and

''(II) the contents of, and certification requirements for, the regional plans produced by regional planning authorities.

''(ii) REQUIREMENT.—The Commission shall certify not less than 1, and not more than 4, regional planning authorities for each of the Eastern and Western Interconnections of the United States.

''(iii) CLEAN ENERGY SUPERHIGHWAY.—Each regional planning authority certified by the Commission shall participate in the development of the Clean Energy Superhighway.

''(iv) NUMBER OF REGIONAL PLANNING AUTHORITIES.—The Commission shall minimize, to the maximum extent practicable, the number of regional planning authorities in the Eastern and Western Interconnections while ensuring that the entire domestic footprint of the Interconnections is covered.

''(B) CERTIFICATION OF REGIONAL PLANNING AUTHORITIES.—

''(i) IN GENERAL.—To be eligible to be certified as a regional planning authority for a region under this subsection, a regional planning organization shall apply to, and be approved by, the Commission.

''(ii) REQUEST FOR APPLICATIONS.—Not later than 90 days after the date of enactment of National Energy Security Act of 2009, the Commission shall issue a request for from entities seeking to be certified as a regional planning authority for the Eastern or Western Interconnection.

''(iii) ELIGIBILITY.—

''(I) IN GENERAL.—Any group of Regional Transmission Organizations, Independent System Operators, regional entities (as defined in section 215(a)), or other multistate organizations or entities may apply to be certified as a regional planning authority under this subsection.

''(II) STATE PARTICIPATION.—An organization that applies for certification under subclause (I) shall invite the Governor or the designee of the Governor from each affected State and a representative from each affected Indian tribe to participate in the organization.

''(III) MINIMUM SIZE.—To be certified as a regional planning authority under this subparagraph, an organization shall represent a region that is of sufficient size—

''(aa) to encompass generation resources that are sufficient to meet load requirements in the region, taking into account potential generation from location-constrained resources and projected load growth; and

''(bb) to possess sufficient market scope to produce economic and operational efficiencies.

''(iv) PLANNING PRINCIPLES.—The Commission shall establish rules and procedures for the designation of regional planning authorities to ensure that the planning process proposed by an applicant—

''(I) is consistent with the purposes described in paragraph (1);

''(II) is open, transparent, and nondiscriminatory;

''(III) includes consultation with all affected Federal land management agencies, Indian tribes, and States within a region;

''(IV) builds on planning undertaken by States, Indian tribes, Federal transmitting utilities, Regional Transmission Organizations, Independent System Operators, utilities, and others;

''(V) is developed in conformance with Commission requirements for planning using open access transmission tariffs;

''(VI) solicits input from load-serving and wholesale entities, transmission owners and operators, renewable energy developers, environmental organizations, Indian tribes, and other interested parties;

''(VII) includes an interim process to evaluate expeditiously whether new renewable feeder lines should be added to the plan; and

''(VIII) uses the best available information on resources, load, and demand projections.

''(v) CERTIFICATION.—

''(I) IN GENERAL.—Except as provided in subclauses (II) and (III), not later than 90 days after the date on which the Commission issues a request for applications under clause (ii), the Commission shall certify at least 1 regional planning authority for each of the Eastern and Western Interconnections.

''(II) INSUFFICIENT APPLICATION.—Subclause (I) shall not apply if the Commission—

''(aa) has not received an application from any entity in the applicable Interconnection; or

''(bb) has received applications from entities that do not satisfy the criteria established by the Commission for a regional planning authority.

''(III) COMMISSION RESPONSIBILITY.—If the Commission does not receive sufficient applications as described in subclause (II) for any portion of an Interconnection, the Commission shall—

''(aa) assume the responsibilities of a regional planning authority for the uncovered portion of the Interconnection; and

''(bb) submit to Congress written notification of an intent to assume responsibility under this subclause at least 30 days before the date that responsibility is assumed.

''(C) OVERSIGHT OF REGIONAL PLANNING AUTHORITIES.—The Commission shall establish procedures to oversee certified regional planning authorities under this subsection.

''(3) DUTIES OF SECRETARY.—

''(A) RESOURCE ASSESSMENTS.—

''(i) IN GENERAL.—The Secretary shall conduct nationwide assessments to identify areas with a significant potential for the development of location-constrained resources.

''(ii) FORMATS.—The resource assessments shall be made available to the public in multiple formats, including in a Geographical Information System compatible format.

''(iii) TIMING.—The Secretary shall—

''(I) make the initial resource assessment required under this subparagraph not later than 180 days after the date of enactment of the National Energy Security Act of 2009; and

''(II) refine the resource assessment on a regular basis that is consistent with regional planning cycles.

''(B) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to regional planning authorities, on request, to assist the authorities in carrying out this section.

''(C) CONGESTION STUDIES.—

''(i) IN GENERAL.—The Secretary shall conduct or update a study of electric transmission congestion and report the results of the study to certified regional planning authorities to assist the authorities in carrying out this section.

''(ii) RECENT STUDY.—The Secretary shall ensure that a congestion study that is not more than 2 years old is available at the time regional planning authorities are certified by the Commission.

''(iii) UPDATES.—The Secretary shall update a congestion study at least once every 2 years, consistent with the planning cycle.

''(4) PLANNING PROCESS.—

''(A) IN GENERAL.—Once certified, a regional planning authority shall establish a regional or Interconnection-wide Clean Energy Superhighway plan that—

''(i) meets the purposes of this subsection; and

''(ii) identifies necessary Clean Energy Superhighway facilities and transmission infrastructure that need to be added or upgraded to achieve the planned Clean Energy Superhighway.

''(B) STAKEHOLDER INVOLVEMENT.—

''(i) IN GENERAL.—In carrying out this section, a regional planning authority shall establish a consultative public process that, to the maximum extent practicable, engages regional stakeholders, including—

''(I) public service commissions and other relevant State agencies;

''(II) load-serving entities and wholesale entities that provide transmission and power supply services;

''(III) representatives of the retail customers of the load-serving entities;

''(IV) transmission owners and operators;

''(V) utilities and merchant generators;

''(VI) renewable energy developers;

''(VII) environmental organizations;

''(VIII) Indian tribes;

''(IX) Federal land use agencies; and

''(X) other interested parties.

''(ii) CRITERIA.—A regional planning authority shall encourage stakeholders, to the maximum extent practicable, to provide input to establish criteria based on paragraphs (1) and (2)(B)(iv) to create a Clean Energy Superhighway plan.

''(iii) PUBLIC MEETINGS.—A regional planning authority shall provide notice and hold public meetings to solicit public input in carrying out this subsection.

''(5) PLANNING.—Not later than 1 year after the certification of a regional planning authority under this subsection, the certified regional planning authority shall submit to the Commission for approval a Clean Energy Superhighway plan that—

''(A) evaluates potential location-constrained resources;

''(B) provides for long-term planning for both the 10 year- and 20 year-horizons, that takes into account future demand growth and reasonable models of future generation growth, including energy efficiency, demand response, and distributed storage and generation;

''(C) establishes (in consultation with Federal and State land agencies, environmental groups, and Indian tribes) appropriate areas to be avoided in siting of Clean Energy Superhighway facilities, to the maximum extent practicable, including—

''(i) national parks, national marine sanctuaries, reserves, recreation areas, and other similar units of the National Park System;

''(ii) designated wilderness, designated wilderness study areas, and other areas managed for wilderness characteristics;

''(iii) national historic sites and historic parks;

''(iv) inventoried roadless areas and significant noninventoried roadless areas within the National Forest System;

''(v) national monuments;

''(vi) national conservation areas;

''(vii) national wildlife refuges and areas of critical environmental concern;

''(viii) national historic and national scenic trails;

''(ix) areas designated as critical habitat;

''(x) national wild, scenic, and recreational rivers;

''(xi) any area in which Federal law prohibits energy development; and

''(xii) any area in which applicable State law or Indian tribal code enacted prior to the date of enactment of the National Energy Security Act of 2009 prohibits transmission development;

''(D) identifies the transmission infrastructure to be included as Clean Energy Superhighway facilities, taking into consideration—

''(i) that, to the maximum extent practicable—

''(I) areas with the potential for the development of location-constrained resources shall be connected to the Clean Energy Superhighway;

''(II) load centers shall be connected to the Clean Energy Superhighway; and

''(III) areas in subparagraph (C) shall be avoided by the Clean Energy Superhighway; and

''(ii) all other relevant factors;

''(E) performs necessary engineering analyses;

''(F) permits persons to propose to the regional planning authority Clean Energy Superhighway facilities to meet the needs identified in the long-term plan of the regional planning authority; and

''(G) considers staging of projects, including the logical order of building and construction timelines.

''(6) ALLOWANCE OF WAIVERS FOR CERTAIN LINES.—A regional planning authority may petition the Commission to allow the inclusion of 230 kilovolt lines in an approved plan if the regional planning authority demonstrates to the Commission that unique regional conditions exist that require a lower voltage line.

''(7) MULTIPLE REGIONAL PLANNING AUTHORITIES.—

''(A) IN GENERAL.—If more than 1 regional planning authority is certified in an Interconnection, the regional planning authorities in the Interconnection shall ensure that the submitted plan integrates with the other plans in the Interconnection.

''(B) MODIFICATION.—The Commission shall modify the plans submitted under paragraph (9)(B), as necessary, to ensure that plans established under this section are integrated.

''(8) COORDINATION.—In the development of a Clean Energy Superhighway plan, a regional planning authority shall coordinate, as appropriate, with planning authorities and other interested parties in Canada, Mexico, the Electric Reliability Council of Texas, and other Interconnections.

''(9) NATIONAL PLAN CERTIFICATION.—

''(A) IN GENERAL.—The Commission shall determine whether the plans submitted by the regional planning authorities under this subsection carry out the purposes of this section.

''(B) ADMINISTRATION.—

''(i) PUBLIC COMMENT.—The Commission shall provide an opportunity for public comment on each plan submitted by a regional planning authority.

''(ii) MODIFICATIONS.—

''(I) IN GENERAL.—The Commission may modify or reject a plan as necessary to achieve the purposes of this section.

''(II) OPINION.—If the Commission modifies or rejects a plan, not later than 60 days after the date the plan is submitted by the regional planning authority, the Commission shall provide a written opinion to the regional planning authority that contains the facts and reasons supporting the action of the Commission.

''(iii) RESUBMISSION.—Subject to paragraph (10)(A)(iii), if the Commission rejects a plan, the regional planning authority may submit a revised plan within 90 days of the Commission's rejection.

''(iv) CERTIFICATION.—If the Commission determines that a plan meets the purposes of this section, the Commission shall certify the plan for establishing a Clean Energy Superhighway.

''(10) BEST PRACTICES.—The Commission shall—

''(A) conduct regular reviews of best practices in planning under this subsection; and

''(B) make available and use those best practices in carrying out this subsection.

''(11) TIMING.—

''(A) IMPLEMENTATION.—

''(i) IN GENERAL.—Not later than 1 year after the date of certification by the Commission, a regional planning authority shall complete the planning process required under this section.

''(ii) WITHHOLDING OF PLANNING FUNDS.—If the Commission has not received a plan from a regional planning authority by the date that is 1 year after the date of the certification of the regional planning authority by the Commission, the Commission shall—

''(I) determine the cause for the delay; and

''(II) inform the Secretary, who may withhold future planning funds from the regional planning authority under this subsection, if the Commission determines that the process of the regional planning authority is not sufficiently implementing this subsection.

''(iii) ASSUMPTION OF PLANNING RESPONSIBILITY.—If the Commission has not certified the regional plan for a region by the date that is 18 months after the date of the certification of the regional planning authority by the Commission, the Commission shall assume the responsibility for creating a regional plan for the region consistent with the planning process established under paragraph (4).

''(iv) NOTIFICATION.—The Commission shall submit to Congress written notification of an intent to assume responsibility under clause (iii) at least 30 days before the date that responsibility is assumed.

''(B) UPDATES.—Not later than 2 years after the initial establishment of a plan under this section and every 2 years thereafter, a regional planning authority shall (in accordance with procedures required for the initial establishment of a plan) review and (as necessary) modify the plan established under this section to ensure that the plan promotes the purposes of this section.

''(12) RECOVERY OF COSTS ASSOCIATED WITH INTERCONNECTION-WIDE TRANSMISSION GRID PROJECT PLANNING.—

''(A) IN GENERAL.—A regional planning authority and a participating State shall be permitted to recover prudently incurred costs to carry out the planning activities required under this subsection pursuant to a Federal transmission surcharge that will be established by the Commission for the purposes of carrying out this section.

''(B) SURCHARGE.—A regional planning authority shall—

''(i) establish a Federal transmission surcharge based on a formula rate that is submitted to the Commission for approval; and

''(ii) adjust the formula and surcharge on an annual basis.

''(C) COST RESPONSIBILITY.—Cost responsibility under each surcharge shall be assigned based on energy usage to all load-serving entities within each regional planning authority.

''(D) LIMITATION.—The total amount of surcharges that may be imposed or collected nationally under this paragraph shall not exceed $80,000,000 for any calendar year.

''(E) OTHER FUNDS.—Funds made available for transmission planning under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may be used to carry out this subsection.

''(c) COST ALLOCATION.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to ensure that the costs of the Clean Energy Superhighway are borne widely by all beneficiaries of new transmission and are not borne disproportionately by ratepayers or generators in specific areas; and

''(B) to promote the national interest in an Clean Energy Superhighway in accordance with the purposes of this part.

''(2) SUBMISSION.—Not later than 1 year after the date of the certification of the last regional planning authority, all regional planning authorities within an Interconnection may submit jointly a single integrated Interconnection-wide cost allocation proposal to the Commission for allocating the costs of Clean Energy Superhighway facilities under this section.

''(3) ACTION BY COMMISSION.—Not later than 120 days after the date of receipt of a cost-allocation plan submitted under paragraph (2), the Commission shall—

''(A) provide notice and an opportunity for a hearing;

''(B) evaluate the plan; and

''(C)(i) approve the plan if the Commission finds that the plan results in just and reasonable rates that promote the purposes of this section (including this subsection); or

''(ii) reject or modify the plan if the Commission finds that the plan does not result in just and reasonable rates that promote the purposes of this section (including this subsection).

''(4) RESUBMISSION OF PLAN.—

''(A) IN GENERAL.—If the Commission rejects the cost allocation plan under paragraph (3)(C)(ii), the Commission shall give guidance to the regional planning authorities on remediation measures.

''(B) RESUBMISSION.—Not later than 90 days after the date of the rejection, the regional planning authorities may submit to the Commission a revised cost allocation plan for the region under this subsection.

''(C) MODIFICATIONS.—

''(i) IN GENERAL.—Not later than 60 days after the date of resubmission of a cost-allocation plan, the Commission shall approve, modify, or reject the plan as necessary to achieve the purposes of this section.

''(ii) OPINION.—If the Commission modifies or rejects a plan, not later than 60 days after the date the plan is resubmitted by the regional planning authority, the Commission shall provide a written opinion to the regional planning authority that contains the facts and reasons supporting the action of the Commission.

''(5) COMMISSION ALLOCATION OF COSTS.—If the regional planning authorities do not submit an Interconnection-wide cost allocation plan within the time periods specified in paragraphs (2) and (4) or if the Commission

does not approve a cost allocation plan submitted by the regional planning authorities for an Interconnection, the Commission shall allocate the costs of new transmission in the region under this section to all of the load-serving entities in the Interconnection on a load-ratio share basis.

''(6) IMPLEMENTATION.—

''(A) IN GENERAL.—The Commission shall adopt such rules, require inclusion of such provisions in transmission tariffs, and take such other actions as are necessary to efficiently—

''(i) collect the costs for development and operation of Clean Energy Superhighway facilities; and

''(ii) distribute the resultant revenues to owners of the facilities.

''(B) TRANSMISSION CUSTOMER.—The rules or tariffs may consider each load-serving entity in an Interconnection to be a transmission customer under 1 or more of the tariffs established for collection of the costs for development and operation of Clean Energy Superhighway facilities.

''(d) SITING.—

''(1) PURPOSES.—The purpose of the integrated siting process provided for in this subsection is to provide an efficient and timely certification process that ensures participation of Federal land management agencies, States, and Indian tribes, and the appropriate protection of resources, in siting applications before the Commission.

''(2) PREFILING.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Energy Security Act of 2009, the Commission shall promulgate regulations to implement an integrated prefiling process for the preparation of an application for the certification of a Clean Energy Superhighway facility.

''(B) PREAPPLICATION INFORMATION.—

''(i) IN GENERAL.—The regulations for the prefiling process shall include the appropriate information required for the Commission to determine if the proposed facility is included in the Clean Energy Superhighway plan certified by the Commission under subsection (b)(9).

''(ii) STEPS.—The regulations shall establish a list of steps that shall be completed before submitting an application for a certificate, including the steps required under this subparagraph.

''(iii) NOTICE OF INTENT TO APPLY.—The applicant shall submit to the Commission a notice of intent to apply for a Clean Energy Superhighway certificate that includes a preliminary routing plan.

''(iv) DETERMINATION OF INCLUSION IN PLAN.—The Commission shall determine whether the proposed facility is included in a Clean Energy Superhighway plan certified under subsection (b)(9).

''(v) NOTIFICATION.—The Commission shall provide notice to the public, affected States, Federal land agencies, and Indian tribes of a notice of any intent to apply for a certificate.

''(vi) PREFILING SCHEDULE.—The Commission shall establish a prefiling schedule for the applicant, agencies, and Indian tribes.

''(vii) STATE SITING CONSTRAINTS.—The applicant shall consider the State siting constraints identified under paragraph (3).

''(viii) CONSULTATION.—The applicant shall consult with affected States, Federal land agencies, and Indian tribes in carrying out this subsection

''(ix) EARLY SCOPING PROCESS.—The Commission shall conduct an early scoping process that is consistent with the terms and conditions of section 5.8 of title 18, Code of Federal Regulations (or a successor section), as determined by the Commission.

''(x) CONSOLIDATED RECORD.—The Commission shall create and maintain a consolidated record for all decisions made or actions taken by the Commission or by a Federal, State, Indian tribe administrative agency, or officer under this subsection.

''(xi) SITING DISPUTE RESOLUTION BOARD.—The Commission shall establish a siting dispute resolution board that is consistent with the terms and conditions of section 5.14 of title 18, Code of Federal Regulations and paragraph (3)(B), as determined by the Commission.

''(C) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—An applicant shall comply with the prefiling process established under this paragraph before filing an application for a certificate of public convenience and necessity with the Commission.

''(3) STATE SITING CONSTRAINTS.—

''(A) STATE AGENCY.—

''(i) IN GENERAL.—The Governor of a State in which a Clean Energy Superhighway facility is proposed pursuant to paragraph (2) shall designate the appropriate State agency to coordinate with the Commission on siting.

''(ii) SITING CONSTRAINTS AND MITIGATION MEASURES.—

''(I) IN GENERAL.—Applicants shall work with affected States in the prefiling process described in paragraph (2).

''(II) DESIGNATED STATE AGENCY.—At the conclusion of the prefiling process, the designated State agency may identify and communicate to the applicant and the Commission information on siting constraints and mitigation measures (including habitat protection, environmental considerations, cultural site protection, or other factors) for a Clean Energy Superhighway facility within the State.

''(B) SITING DISPUTE RESOLUTION BOARD.—

''(i) IN GENERAL.—During the prefiling process for each Clean Energy Superhighway facility application, the Commission shall establish a siting dispute resolution board to ensure appropriate siting within and across the borders of the State.

''(ii) COMPOSITION.—The board for a Clean Energy Superhighway facility shall be composed of—

''(I) 1 representative of the Commission, who is not otherwise involved in the applicable proceeding;

''(II) 1 representative of each affected State, as designated by the Governor, and who is not otherwise involved in the proceeding; and

''(III) 1 independent person with expertise in the area, selected by the other 2 panelists from a preestablished list of individuals who have that expertise (as established by the Commission).

''(iii) APPEALS.—If the applicant does not agree with the siting constraints and mitigation measures proposed by a State, the applicant may appeal the constraints and measures to the appropriate siting dispute resolution board.

''(iv) DECISION.—The board shall—

''(I) make a decision on any appeal made under clause (iii); and

''(II) submit to the Commission a recommendation for final dispute resolution.

''(C) FEDERAL ACTION.—

''(i) IN GENERAL.—The Commission shall incorporate State siting constraints and mitigation measures in the certificate issued under paragraph (9), unless the Commission finds that any recommendation referred to in subparagraph (A) (based on the recommendation of the applicable sitting dispute resolution board) is inconsistent with the purposes and requirements of this section or other applicable Federal law.

''(ii) FINDINGS.—If (after any proceedings of a siting dispute resolution board) the Commission does not adopt in whole or in part a recommendation of the State agency, the Commission shall publish (together with a description of the basis for each finding)—

''(I) a finding that adoption of the recommendation of the siting dispute resolution board is inconsistent with the purposes and requirements of this section or with other applicable provisions of Federal law; or

''(II) a finding that adopts the recommendations of the siting dispute resolution board conditions selected by the Commission comply with the State siting constraints and mitigation measures described in subparagraph (A).

''(4) FEDERAL AUTHORITY.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, the Commission shall have exclusive jurisdiction over the granting of a certificate for the siting of a Clean Energy Superhighway facility.

''(B) RIGHTS OF WAY.—

''(i) IN GENERAL.—The Secretary of the Interior shall provide a route for a Clean Energy Superhighway facility on public land in accordance with the terms and conditions of agency land use plans.

''(ii) INDIAN LAND.—In carrying out this subparagraph, the Secretary of the Interior shall use the process established under the terms and conditions of section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) and the Act of February 5, 1948 (25 U.S.C. 323 et seq.) (including applicable regulations) to establish a right-of-way for a Clean Energy Superhighway on Indian land, as determined by the Secretary of the Interior.

''(iii) CONNECTION OF INDIVIDUAL LINES.—The Commission shall work with the Secretary of the Interior to ensure that the routing of an individual line across public and private land is appropriately connected.

''(5) SCHEDULE.—

''(A) IN GENERAL.—The Commission shall establish a schedule for all Federal authorizations under this subsection.

''(B) ADMINISTRATION.—In establishing the schedule, the Commission shall—

''(i) ensure expeditious completion of all such proceedings; and

''(ii) comply with applicable schedules established by Federal law.

''(6) EXISTING CORRIDORS.—A route for a Clean Energy Superhighway facility shall, to the maximum extent practicable, use existing corridors, including multiuse and highway corridors.

''(7) ENVIRONMENTAL PROTECTION.—

''(A) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any requirements of an environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) ENVIRONMENTAL REVIEW OF INDIVIDUAL LINES.—In the case of a Clean Energy Superhighway facility, the Commission shall—

''(i) serve as lead agency for the purposes of coordinating the environmental review that is required by law between all relevant Federal agencies;

''(ii) in consultation with the affected Federal and State agencies and Indian tribes, prepare a single environmental review document as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(iii) in the case of a line that traverses Federal land, take any action that is required under the terms and conditions of applicable land use plans.

''(C) DEADLINE.—The environmental reviews described in subparagraph (B) shall be completed not later than 1 year after date of application for a certificate.

''(D) MEMORANDUM OF UNDERSTANDING.—Not later than 1 year after the date of enactment of the National Energy Security Act of 2009, the Commission shall enter into a

memorandum of understanding with all applicable Federal land agencies to create a streamlined and consolidated environmental review process to carry out this section.

''(8) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

''(A) IN GENERAL.—No individual or entity (including States and entities described in subsection (f)) shall construct, acquire, or operate any Clean Energy Superhighway facility, or modify a Clean Energy Superhighway facility for which a certificate was previously issued under this subsection, unless there is in force with respect to the individual or entity a certificate of public convenience and necessity issued by the Commission authorizing such acts or operation.

''(B) APPLICATION FOR CERTIFICATE.—Any individual or entity that seeks to operate, construct, acquire, or modify any Clean Energy Superhighway facility shall—

''(i) complete the prefiling process under paragraph (2);

''(ii) submit to the Commission a written application in such form and containing such information as the Commission may by regulation require; and

''(iii) provide notice of and opportunity for hearing on the application to interested parties in such manner as the Commission shall by regulation require.

''(C) HEARING.—On receipt of an application under this paragraph, the Commission—

''(i) shall—

''(I) provide notice and opportunity to interested persons; and

''(II) include any applicable conditions; and

''(ii) may approve or disapprove the application, in accordance with paragraph (9).

''(9) GRANT OF CERTIFICATE.—

''(A) IN GENERAL.—A certificate shall be issued to a qualified applicant for the certificate authorizing the whole or partial operation, construction, acquisition, or modification covered by the application, only if the Commission determines that—

''(i) the facility is included in the Clean Energy Superhighway plan certified by the Commission;

''(ii) 1 or more applicants are able and willing—

''(I) to carry out the acts and perform the service proposed; and

''(II) to comply with this Act (including regulations); and

''(iii) the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity.

''(B) TERMS AND CONDITIONS.—The Commission shall have the power to attach to the issuance of a certificate under this paragraph and to the exercise of the rights granted under the certificate such reasonable terms and conditions as the public convenience and necessity may require, including (as may be required by applicable law) land use plans or applicable rights-of-way.

''(C) EVALUATION OF ABILITIES OF APPLICANT.—

''(i) IN GENERAL.—In evaluating the ability of 1 or more applicants described in subparagraph (A)(ii), the Commission shall consider whether the financial and technical capabilities of the applicant are adequate to support construction and operation of the project proposed in the application.

''(ii) JOINT OWNERSHIP PROJECTS.—In evaluating applications that feature joint ownership projects by multiple load-serving or wholesale entities, the Commission shall consider benefits from the greater diversification of financial risk inherent in the applications.

''(D) PUBLIC CONVENIENCE AND NECESSITY.—In making a determination with respect to public convenience and necessity described in subparagraph (A)(iii), the Commission shall presume that there is a public need for a proposed project that is included in the Clean Energy Superhighway plan developed pursuant to this section or that constitutes all of or a portion of a renewable feeder line.

''(10) RIGHT OF EMINENT DOMAIN.—

''(A) IN GENERAL.—If any holder of a certificate issued under paragraph (9) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the right-of-way to construct, operate, and maintain the project to which the certificate relates, and the necessary land or other property necessary to the proper operation of the project, the holder may acquire the right-of-way by the exercise of the right of eminent domain through a proceeding in—

''(i) the United States district court for the district in which the property is located; or

''(ii) a State court, to the extent permitted under State law.

''(B) PRACTICE AND PROCEDURE.—The practice and procedure for any action or proceeding described in subparagraph (A) in a United States district court shall conform, to the maximum extent practicable, to the practice and procedure for similar actions or proceedings in the courts of the State in which the property is located.'';

(2) by striking subsections (i), (j), (k);

(3) by redesignating subsection (h) as subsection (e);

(4) in subsection (e) (as redesignated by paragraph (3))—

(A) in paragraph (2), by striking ''Department of Energy'' and inserting ''Federal Energy Regulatory Commission (referred to in this subsection as the 'Commission')''; and

(B) in paragraph (3), by striking ''Secretary'' and inserting ''Commission''; and

(5) by adding at the end the following:

''(f) APPLICABILITY.—This section does not apply to the State of Alaska or Hawaii or to the Electric Reliability Council of Texas, unless the State or the Council voluntarily elects to be covered by this section.

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

SEC. 102. RECOVERY OF COSTS FOR SMART GRID TECHNOLOGY AND ADVANCED MATERIALS.

Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) all prudently incurred costs relating to the deployment of smart grid technology for transmission infrastructure (within the meaning of title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.)); and

''(D) all prudently incurred costs relating to the use of advanced materials for the construction of technology transmission facilities if the advanced materials are at least 25 percent more efficient than standard transmission materials.''.

TITLE II—TRANSPORTATION SECTOR

Subtitle A—Electrification of Transportation Sector

SEC. 201. MINIMUM FEDERAL FLEET REQUIREMENT.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

''(2) PLUG-IN ELECTRIC DRIVE VEHICLES.—Of the total number of vehicles acquired by a Federal fleet under paragraph (1), at least the following percentage of the vehicles shall be plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a))):

''(A) 10 percent for fiscal year 2012.

''(B) The applicable percentage for the preceding fiscal year increased by 5 percentage points (but not to exceed a total of 50 percent) for fiscal year 2013 and each subsequent fiscal year.''; and

(C) in paragraph (3) (as redesignated by subparagraph (A)), by inserting ''or (2)'' after ''paragraph (1)''; and

(2) by striking subsection (c) and inserting the following:

''(c) ALLOCATION OF INCREMENTAL COSTS.—Subject to the availability of funds appropriated to carry out this subsection (to remain available until expended), the General Services Administration shall pay the incremental cost of alternative fueled vehicles over the cost of comparable gasoline vehicles for vehicles that the Administration purchased for the use of the Administration or on behalf of other agencies, in a total amount of not to exceed $300,000,000 for any of fiscal years 2012 through 2016.'';

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

''(4) COMPLIANCE.—Compliance with this subsection shall not relieve the Federal agency of the obligations of the agency under subsection (b).''; and

(4) in subsection (g), by striking ''fiscal years 1993 through 1998'' and inserting ''each fiscal year''.

SEC. 202. USE OF HOV FACILITIES BY LIGHT-DUTY PLUG-IN ELECTRIC DRIVE VEHICLES.

Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''Before'' and inserting ''Except as provided in subparagraph (D), before'';

(2) in subparagraph (B), by striking ''Before'' and inserting ''Except as provided in subparagraph (D), before''; and

(3) by adding at the end the following:

''(D) USE BY PLUG-IN ELECTRIC DRIVE VEHICLES.—

''(i) DEFINITION OF PLUG-IN ELECTRIC DRIVE VEHICLE.—In this subparagraph, the term 'plug-in electric drive vehicle' has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

''(ii) USE OF HOV FACILITIES.—A State agency—

''(I) shall permit vehicles that are certified as low emission and energy-efficient vehicles in accordance with subsection (e) that are light-duty plug-in electric drive vehicles, and that are purchased on or before December 31 of the calendar year described in clause (iii), as determined by the Secretary, to use HOV facilities in the State; and

''(II) shall not impose any toll or other charge on such a vehicle for use of a HOV facility in the State.

''(iii) CALENDAR YEAR.—The calendar year referred to in clause (ii)(I) is the calendar year during which, as determined by the Secretary, the aggregate number of plug-in electric drive vehicles sold in the United States during all calendar years exceeds 2,000,000.

''(iv) PETITION.—A State may petition the Secretary to limit or discontinue the use of a HOV facility by plug-in electric drive vehicles if the State demonstrates to the Secretary that the presence of the plug-in electric drive vehicles has degraded the operation of the HOV facility.''.

SEC. 203. RECHARGING INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given the term in section 3371 of title 5, United States Code.

(2) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

(3) RANGE EXTENSION INFRASTRUCTURE.—The term ''range extension infrastructure'' includes equipment, products, or services for recharging plug-in electric drive vehicles that—

(A) are available to retail consumers of electric drive vehicles on a non-discriminatory basis;

(B) provide for extending driving range through battery exchange or rapid recharging; and

(C) are comparable in convenience and price to petroleum-based refueling services.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of—

(A) the number and distribution of recharging facilities, including range extension infrastructure, that will be required for drivers of plug-in electric drive vehicles to reliably recharge the electric drive vehicles;

(B) minimum technical standards for public recharging facilities in coordination with the National Institute of Standards and Technology; and

(C) the concurrent technical and infrastructure investments that electric utilities and electricity providers will be required to make to support widespread deployment of recharging infrastructure and the estimated costs of the investments.

(2) COMPONENTS.—In conducting the study required under this subsection, the Secretary shall analyze—

(A) the variety and density of recharging infrastructure options necessary to power plug-in electric drive vehicles under diverse scenarios, including—

(i) the ratio of residential, commercial, and public recharging infrastructure options necessary to support 10 percent, 20 percent, and 50 percent penetration of plug-in electric vehicles on a city fleet basis;

(ii) the ratio of residential, commercial, and public recharging infrastructure options necessary to support 10 percent, 20 percent, and 50 percent penetration of plug-in electric vehicles on a national fleet basis; and

(iii) the potential impact of fast charging on penetration rates and utility power management requirements;

(B) whether use of parking spots with access to recharging facilities should be limited to plug-in electric drive vehicles;

(C) whether model building codes should be amended to cover recharging facilities; and

(D) such other issues as the Secretary considers appropriate.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under this subsection, including any recommendations.

(c) GRANTS AND LOANS TO STATE AND LOCAL GOVERNMENTS FOR RECHARGING INFRASTRUCTURE.—

(1) IN GENERAL.—Effective beginning October 1, 2010, the Secretary shall establish a program under which the Secretary shall provide grants and loans to local governments to assist in the installation of recharging facilities for electric drive vehicles in areas under the jurisdiction of the local governments. The Secretary shall provide funding under this section to State or local governments to pay not more than fifty percent of the recharging infrastructure cost.

(2) ELIGIBILITY.—To be eligible to obtain a grant or loan under this subsection, a local government shall—

(A) demonstrate to the Secretary that the applicant has taken into consideration the findings of the report submitted under subsection (b)(3), unless the local government demonstrates to the Secretary that an alternative variety and density of recharging infrastructure options would better meet the purposes of this section; and

(B) agree not to charge a premium for use of a parking space used to recharge an electric drive vehicle other than a charge for electric energy.

(3) GUIDELINES.—The Secretary shall establish guidelines for carrying out this subsection that are consistent with the report submitted under subsection (b)(3).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection a total of $250,000,000 for grants and a total of $250,000,000 for loans, to remain available until expended.

SEC. 204. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

Subtitle B of title I of the Energy and Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

''SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

''(a) DEFINITIONS.—In this section:

''(1) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term 'plug-in electric drive vehicle' has the meaning given the term in section 131(a).

''(2) RANGE EXTENSION INFRASTRUCTURE.—The term 'range extension infrastructure' includes equipment, products, or services for recharging plug-in electric drive vehicles that—

''(A) are available to retail consumers of electric drive vehicles on a nondiscriminatory basis;

''(B) provide for extended driving range through battery exchange or rapid recharging; and

''(C) are comparable in convenience and price to petroleum-based refueling services.

''(b) LOAN GUARANTEES.—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase by an eligible entity of not less than 5,000 batteries that use advanced battery technology within a calendar year.

''(c) ELIGIBLE ENTITIES.—To be eligible to obtain a loan guarantee under this section, an entity shall be—

''(1) an original equipment manufacturer;

''(2) a vehicle manufacturer;

''(3) an electric utility;

''(4) any provider of range extension infrastructure; or

''(5) any other qualified entity, as determined by the Secretary.

''(d) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

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

SEC. 205. STUDY OF END-OF-USEFUL LIFE OPTIONS FOR MOTOR VEHICLE BATTERIES.

(a) IN GENERAL.—In combination with the research, demonstration, and deployment activities conducted under section 641(k) of the Energy and Independence and Security Act of 2007 (42 U.S.C. 17231(k)), the Secretary shall conduct a study on the end-of-useful life options for motor vehicle batteries, including recommendations for stationary storage applications and recyclability design specifications.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including any recommendations.

Subtitle B—Medium- and Heavy-Duty Vehicles

SEC. 211. MAXIMUM WEIGHT STUDY.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the National Highway Traffic Safety Administration, shall conduct a study to investigate whether oil savings goals can be achieved in the trucking industry without adverse safety consequences by determining the safety impacts and other effects of increasing the maximum allowable gross weight for vehicles using the Interstate System to allow for larger, more fuel-efficient tractor-trailers.

(b) STUDY COMPONENTS.—In conducting the study under this section, the Secretary of Transportation shall—

(1) determine whether a vehicle with a supplementary sixth axle and a gross weight of up to 97,000 pounds that is traveling at 60 miles per hour is capable of stopping at a distance of 355 feet or less;

(2) determine whether the use of the Interstate System by vehicles described in paragraph (1) would require a fundamental alteration of the vehicle architecture that is commonly used for the transportation of goods as of the day before the date of the enactment of this Act;

(3) analyze the safety impacts of allowing vehicles described in paragraph (1) to use the Interstate System; and

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

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress that contains the results of the study conducted under this section, including a determination by the Secretary as to whether permitting vehicles with a supplementary sixth axle and a gross weight of not more than 97,000 pounds to use the Interstate System would have an adverse impact on highway safety.

(d) DEFINITION.—In this section, the term ''Interstate System'' has the meaning given that term in section 101(a) of title 23, United States Code.

SEC. 212. FUEL ECONOMY.

Section 32912(e)(1) of title 49, United States Code, is amended by inserting ''provide equipment and facilities for the program established under section 32902(k), and to'' after ''shall be used by the Secretary to''.

Subtitle C—Alternative Transportation Technologies

SEC. 221. FLEXIBLE FUEL AUTOMOBILES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(1) in section 32901(a)—

(A) by redesignating paragraphs (10) through (19) as paragraphs (11) through (20), respectively; and

(B) by inserting after paragraph (9) the following:

''(10) 'flexible fuel automobile' means an automobile that has been warranted by the manufacturer of the automobile to operate on gasoline and fuel mixtures containing 15 percent gasoline and 85 percent ethanol or methanol.''; and

(2) by inserting after section 32902 the following:

''§ 32902A. Requirement to manufacture flexible fuel automobiles

''(a) IN GENERAL.—For each model year listed in the following table, each manufacturer shall ensure that the percentage of

automobiles manufactured by the manufacturer for sale in the United States that are flexible fuel automobiles is not less than the percentage set forth for that model year in the following table:

''Model Year	Percentage
model year 2012	50 percent
model year 2013	60 percent
model year 2014	70 percent
model year 2015	80 percent
model year 2016	90 percent
model year 2017	100 percent

''(b) AUTOMOBILES EXCLUDED.—The requirement under subsection (a) shall not apply to any automobile that operates on diesel, natural gas, hydrogen, or electricity.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''32902A. Requirement to manufacture flexible fuel automobiles.''.

(c) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations to carry out section 32902A of title 49, United States Code, as added by subsection (a).

SEC. 222. TRANSPORTATION ROADMAP STUDY.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) conduct a comprehensive analysis of energy use by automobiles; and

(2) use the analysis to conduct an integrated assessment of the technological options that could lead to reduced petroleum consumption and greenhouse gas emissions.

(b) COMPONENTS.—The study required under this section shall—

(1) assess the status of technology options, including—

(A) prospects of future fuels and pathways;

(B) the infrastructure and other barriers for increased market penetration;

(C) potential timing of market adoption;

(D) potential reductions of petroleum consumption and greenhouse gas emissions; and

(E) improvements in and priorities for Federal research and development program activities;

(2) consider issues relating to duty cycles, regional distinctions, and technological development timelines;

(3) build on and integrate applicable research conducted in recent years, including by the Academy;

(4) evaluate technical options and assess the extent to which the United States can employ the options to reduce oil intensity by 80 percent by calendar year 2050 and reduce carbon dioxide emissions at a rate that is consistent with national goals; and

(5) recommend policies to help facilitate the United States to meet national goals.

(c) REPORT.—Not later than 21 months after funds are first made available to carry out this section, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including any recommendations.

(d) UPDATES.—

(1) IN GENERAL.—Not later than 5 years after the initial study is conducted under this section and every 5 years thereafter, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall update the study required under this section.

(2) REPORT.—Not later than 21 months after the date an arrangement is entered into under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report on the results of the updated study conducted under paragraph (1), including any recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,200,000.

DIVISION B—DOMESTIC PRODUCTION AND WORKFORCE DEVELOPMENT

TITLE I—INCREASING SUPPLY

Subtitle A—Increasing Production From Domestic Resources

SEC. 300. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—INVESTMENT IN RENEWABLE ENERGY

SEC. 301. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking ''January 1, 2013'' in paragraph (1) and inserting ''January 1, 2015'', and

(2) by striking ''January 1, 2014'' each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11)(B) and inserting ''January 1, 2015''.

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

SEC. 302. EXPANSION AND EXTENSION OF NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (2) of section 54C(c) is amended by inserting '', for calendar years 2011, 2012, 2013, and 2014, an additional $500,000,000 for each year, and, except as provided in paragraph (5) for years after 2014, zero,'' after ''$800,000,000''.

(b) CARRYOVER OF UNUSED LIMITATION.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

''(5) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the amount allocated under paragraph (2) for such calendar year, exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

then the limitation amount under paragraph (2) for the following calendar year shall be increased by the amount of such excess.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2010.

SEC. 303. EXTENSION OF INVESTMENT TAX CREDIT FOR CERTAIN ENERGY PROPERTY.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2017'' and inserting ''January 1, 2019''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2018''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Subparagraph (D) of section 48(c)(4) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2018''.

(d) GEOTHERMAL HEAT PUMP SYSTEMS.—Clause (vii) of section 48(a)(3)(A) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2019''.

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

SEC. 304. INCREASE IN CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 48C(d)(1) is amended by striking ''$2,300,000,000'' and inserting ''$4,000,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1302 of the American Recovery and Reinvestment Tax Act of 2009.

PART II—INVESTMENT IN ALTERNATIVE FUEL PROPERTY

SEC. 311. EXTENSION OF CREDITS FOR ALCOHOL FUELS.

(a) IN GENERAL.—Sections 40, 6426(b)(6), and 6427(e)(6)(A) are amended by striking ''2010'' each place it appears and inserting ''2011''.

(b) CONFORMING AMENDMENT.—Section 40(e)(1)(B) is amended by striking ''2011'' and inserting ''2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses after the date of the enactment of this Act.

SEC. 312. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(6)(B) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses after the date of the enactment of this Act.

PART III—INVESTMENT IN ELECTRIC DRIVE AND ADVANCED VEHICLES

SEC. 321. EXTENSION OF CREDIT AND EXTENSION OF TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended by striking ''service—'' and all that follows and inserting ''service after December 31, 2018.''.

(b) EXTENSION OF TEMPORARY INCREASE.—Paragraph (6) of section 30C(e) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2019'', and

(2) by striking ''AND 2010'' in the heading and inserting ''THROUGH 2018''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 322. EXTENSION AND EXPANSION OF CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) EXTENSION.—Section 30D is amended by adding at the end the following new subsection:

''(g) TERMINATION.—This section shall not apply to any property purchased after December 31, 2018.''.

(b) RESTORATION OF CREDIT FOR LARGE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES WEIGHING OVER 14,000 POUNDS.—

(1) IN GENERAL.—The last sentence of section 30D(b)(3) is amended to read as follows: ''The amount determined under this paragraph shall not exceed—

''(A) $5,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 14,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.''.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 30D(d) is amended by adding ''and'' at the end of subparagraph (D), by striking subparagraph (E), and by redesignating subparagraph (F) as subparagraph (E).

(c) INCREASE IN PER MANUFACTURER CAP.—Paragraph (2) of section 30D(e) is amended by striking ''200,000'' and inserting ''400,000''.

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

SEC. 323. EXTENSION OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subsection (f) of section 30 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2018''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 324. EXTENSION OF CREDIT FOR MEDIUM AND HEAVY DUTY HYBRID VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 325. CREDIT FOR HEAVY DUTY NATURAL GAS VEHICLES.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting ''(December 31, 2018, in the case of such a vehicle which has a gross vehicle weight rating of more than 26,000 pounds and which operates on compressed natural gas or liquified natural gas)'' after ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

PART IV—LOW CARBON LOAN GUARANTEE PROGRAM

SEC. 331. INNOVATIVE LOW-CARBON LOAN GUARANTEE PROGRAMS.

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

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

''(11) Innovative low-carbon technology projects in accordance with subsection (f).''; and

(2) by adding at the end the following:

''(f) INNOVATIVE LOW-CARBON TECHNOLOGY PROJECTS.—

''(1) IN GENERAL.—The Secretary may make guarantees to carry out innovative low-carbon technologies projects.

''(2) FUNDING.—

''(A) IN GENERAL.—Subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the total principal amount of loans guaranteed to carry out projects under this subsection shall not exceed $50,000,000,000, to remain available until committed.

''(B) ADDITIONAL AMOUNTS.—Amounts made available to carry out this subsection shall be in addition to any other authority provided for fiscal year 2010 or any previous fiscal year.

''(C) SOURCE OF FUNDS.—

''(i) IN GENERAL.—Amounts made available to carry out this subsection shall be—

''(I) derived from amounts received from borrowers pursuant to section 1702(b)(2) for fiscal year 2010 or any previous fiscal year; and

''(II) collected in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(ii) TREATMENT.—The source of payment received from borrowers described in clause (i) shall be not considered a loan or other debt obligation that is guaranteed by the Federal Government.

''(D) SUBSIDY COST.—In accordance with section 1702(b)(2), no appropriations to carry out this subsection shall be available to pay the subsidy cost of guarantees.''.

PART V—INVESTMENT IN ETHANOL

SEC. 341. RESEARCH AND DEVELOPMENT OF FUNGIBLE BIOFUELS.

There is authorized to be appropriated for advanced biofuels research, development, and demonstration that will create fuels that are fungible in existing infrastructure $100,000,000.

PART VI—STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES

SEC. 351. STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct—

(1) a study on the quantity of solar energy (including photovoltaic and solar thermal energy) that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment;

(2) a study on the quantity of geothermal energy (including regular and advanced geothermal energy) that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment;

(3) a study on the quantity of hydrokinetic energy that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment; and

(4) in consultation with the Secretary of Agriculture, a study on the quantity of renewable biomass energy that can reasonably be expected to be deployed in the United States by calendar year 2030, including consideration of—

(A) the needs of biofuels, biomass-based electricity, and thermal applications;

(B) the highest efficiency energy use of biomass resources; and

(C) the requirements and costs associated with deployment.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and make publicly available, a report that integrates the results of the studies conducted under subsection (a), and other relevant studies, including an analysis and recommendations on—

(1) the best areas and rates for deployment of solar, geothermal, wind, biomass, and hydrokinetic energy by calendar year 2030 (based on multiple alternative scenarios); and

(2) the levels of market penetration that can be accomplished by calendar year 2030 (based on multiple alternative scenarios).

Subtitle B—Increasing Production From Fossil Resources

PART I—OUTER CONTINENTAL SHELF

SEC. 361. INVENTORY OF OUTER CONTINENTAL SHELF OIL AND GAS RESOURCES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and subject to subsection (b), the Secretary of the Interior (referred to in this subtitle as the ''Secretary'') shall complete an inventory of oil and natural gas resources in areas of the Outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) with the greatest potential for containing oil or gas reserves.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall carry out the inventory under subsection (a) in stages, focusing first on areas that the Secretary identifies as having the greatest potential for oil and gas reserves.

(2) PUBLIC COMMENTS.—To assist the Secretary in identifying areas that have the greatest potential for oil and gas reserves under paragraph (1), the Secretary shall, not later than 60 days after the date of enactment of this Act, issue a notice in the Federal Register requesting comments from the public on areas of the Outer Continental Shelf that may contain the most significant oil and gas deposits.

(3) INITIATION OF CERTAIN INVENTORIES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin conducting any inventories in the Atlantic and Pacific areas of the Outer Continental Shelf.

(4) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory under subsection (a), the Secretary shall—

(A) use the best technology available to obtain accurate resource estimates; and

(B) include the results of geological and geophysical explorations carried out—

(i) under existing or expired leases; or

(ii) under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(5) REPORTS.—On completion of any independent reports prepared as part of an inventory under this section, the Secretary shall make the independent reports immediately available to the public.

(c) ENVIRONMENTAL STUDIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete any environmental studies necessary to gather information essential to an accurate inventory, including geological and geophysical explorations under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(d) REPORTS.—

(1) IN GENERAL.—On completion of an inventory under this section, the Secretary shall submit to Congress and the Governors of any affected coastal States a report that describes the results of the inventory.

(2) ASSESSMENT.—A report submitted under paragraph (1) shall include an assessment of the economic, energy, environmental, and national security impacts on the United States, any affected coastal States, and any affected local units of government if the oil and natural gas resources identified by the inventory were developed and produced, including estimates of any direct and indirect revenues that would be available to the Federal Government, the affected coastal State governments, and units of local government.

(e) EFFECT ON OIL AND GAS LEASING.—No inventory that is conducted under this section or any other Federal law (including regulations) shall restrict, limit, delay, or otherwise adversely affect—

(1) the development of any Outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); or

(2) any leasing, exploration, development, or production of any Federal offshore oil and gas leases.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary of the Treasury shall make a 1-time transfer to the Secretary, from royalties collected in conjunction with the production of oil and gas, such sums as are necessary to carry out this section, including the completion of environmental studies necessary to conduct geological and geophysical explorations in all of the Outer Continental Shelf areas of the Atlantic and the Pacific under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(3) LIMITATION.—The amounts transferred under paragraph (1) shall not exceed $150,000,000.

SEC. 362. LEASING OF OFFSHORE AREAS ESTIMATED TO CONTAIN COMMERCIALLY RECOVERABLE OIL OR GAS RESOURCES.

(a) DEFINITION OF POTENTIAL PRODUCING AREA.—In this section, the term ''potential producing area'' means any area in an Outer Continental Shelf planning area, as defined by the Minerals Management Service, that a seismic survey or other geologic study identifies as exhibiting geologic characteristics similar to the characteristics found in other commercial oil and gas producing regions in the Outer Continental Shelf or other oil and gas producing areas.

(b) LEASING OF POTENTIAL PRODUCING AREAS.—Not later than 1 year after the date of the release of an inventory or report under section 361 that identifies a potential producing area, the Secretary may make the potential producing area available for oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(c) LEASING PLAN.—The omission of a potential producing area from the applicable 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) may allow the leasing of a potential producing area under subsection (b).

SEC. 363. ENVIRONMENTAL STEWARDSHIP AND ALLOWABLE ACTIVITIES.

(a) IN GENERAL.—The Secretary shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the Outer Continental Shelf.

(b) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(1) provisions requiring surety bonds of sufficient value to ensure the mitigation of any reasonably foreseeable incident that could be directly caused by persons engaged in oil and natural gas development, in accordance with subpart A of part 256 of title 30, Code of Federal Regulations (or successor regulations);

(2) provisions assigning liability to responsible parties of environmental damage to the Outer Continental Shelf to the extent that the damage is not otherwise implicitly or explicitly authorized or permitted by Federal law (including regulations);

(3) provisions no less stringent than the regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(4) provisions ensuring that—

(A) no surface facility is installed for the purpose of production of oil or gas resources in any area visible to the unassisted eye from any shore of any coastal State in any areas in the Outer Continental Shelf that have not previously been made available for oil and gas leasing;

(B) only temporary surface facilities are installed for areas that are—

(i) beyond the area described in subparagraph (A); and

(ii) located not more than 25 miles from the shore of any coastal State in any areas in the Outer Continental Shelf that have not previously been made available for oil and gas leasing; and

(C) the impact of offshore production facilities on coastal vistas is otherwise mitigated.

(c) EXCLUSIONS.—No regulations promulgated under this section shall apply to the development, construction, or operation of renewable energy facilities on the Outer Continental Shelf.

(d) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

SEC. 364. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.

(a) MORATORIUM.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2022, the Secretary shall not offer for leasing, preleasing, or any related activity any area east of 85 degrees, 50 minutes West Longitude in the Eastern Planning Area that is within 45 miles of the coastline of the State of Florida.''.

(b) NATIONAL DEFENSE AREA.—Section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)) is amended—

(1) by striking ''The United States'' and inserting the following:

''(1) IN GENERAL.—The United States''; and

(2) by adding at the end the following:

''(2) REVIEW.—Annually, the Secretary of Defense shall review the areas of the Outer Continental Shelf that have been designated as restricted from exploration and operation to determine whether the areas should remain under restriction.''.

(c) LEASING OF MORATORIUM AREAS.—

(1) IN GENERAL.—As soon as practicable, after the date of enactment of this Act, the Secretary shall offer for leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), any areas made available for leasing as a result of the amendment made by subsection (a).

(2) ADMINISTRATION.—Any areas made available for leasing under paragraph (1) shall be offered for lease under this section—

(A) notwithstanding the omission of any of these respective areas from the applicable 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(B) in a manner consistent with section 363.

SEC. 365. TREATMENT OF REVENUES.

Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) is amended—

(1) in paragraph (2), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (6), and notwithstanding'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

''(6) RENEWABLE ENERGY RESERVE FUND.—

''(A) DEFINITIONS.—In this paragraph:

''(i) FUND.—The term 'fund' means the Renewable Energy Reserve Fund established by subparagraph (B).

''(ii) QUALIFIED LEASE.—The term 'qualified lease' means a natural gas or oil lease granted under this Act after the date of enactment of the National Energy Security Act of 2009 for an area that is made available for leasing under part I of subtitle B of title I of division B of that Act.

''(B) ESTABLISHMENT.—There is established in the Treasury of the United States a reserve account, to be known as the 'Renewable Energy Reserve Account', consisting of such amounts as are appropriated to the Fund under subparagraph (C).

''(C) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts received by the United States after September 30, 2009, as bonus bids, royalties, or rentals from, or otherwise collected under, any qualified lease on submerged land made available for leasing under this Act by the National Energy Security Act of 2009 (including any amendment made by that Act).

''(D) USE OF FUND.—Subject to subparagraph (E), amounts in the Fund shall be used to offset the costs of carrying out the National Energy Security Act of 2009.

''(E) TERMINATION OF FUND.—

''(i) IN GENERAL.—The Fund shall terminate on the date on which the Secretary determines that the costs of carrying out the National Energy Security Act of 2009 have been repaid.

''(ii) TRANSFER.—On termination of the Fund under clause (i), the remaining balance in the Fund shall be transferred to the appropriate fund of the Treasury.''.

PART II—OTHER FOSSIL RESOURCES

SEC. 371. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES.

(a) DEFINITION.—In this section, the term ''United States person'' means—

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

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

(b) AUTHORIZATION.—Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

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

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

SEC. 372. TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by adding at the end the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from, or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

''(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.''.

SEC. 373. ALASKA OCS JOINT LEASE AND PERMITTING PROCESSING OFFICE.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish a regional joint Outer Continental Shelf lease and permit processing office for the Alaska Outer Continental Shelf region.

(b) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for the purposes of carrying out this section with—

(1) the Secretary of Commerce;

(2) the Chief of Engineers;

(3) the Administrator of the Environmental Protection Agency; and

(4) any other Federal agency that may have a role in permitting activities.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), each Federal signatory party shall, if appropriate, assign to the office described in subsection (a) an employee who has expertise in the regulatory issues administered by the office in which the employee is employed relating to leasing and the permitting of oil and gas activities on the Outer Continental Shelf.

(2) DUTIES.—An employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the office described in subsection (a);

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed oil and gas leasing and permitting, including planning and environmental analyses.

SEC. 374. ALASKA NATURAL GAS PIPELINE.

Section 116(c)(2) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n(c)(2)) is amended by striking ''$18,000,000,000'' and inserting ''$30,000,000,000''.

TITLE II—CLEAN ENERGY TECHNOLOGY WORKFORCE DEVELOPMENT

SEC. 401. CLEAN ENERGY TECHNOLOGY WORKFORCE.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall award competitive, merit-based grants to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) for the establishment of programs providing training and education for vocational workforce development through centers of excellence for a broad range of clean energy sector needs in the clean energy technology workforce of the United States, as determined by the Secretary.

(2) OTHER INSTITUTIONS.—In carrying out this subsection, the Secretary shall accept proposals for centers from institutions of higher education that have or are prepared to develop a meaningful curriculum and program described in paragraph (1).

(b) NATIONAL MERIT SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a national merit scholarship program that provides scholarships each fiscal year for at least 1,000 undergraduate and 500 graduate students that are studying engineering, geosciences, and other energy-related fields.

(2) ELIGIBILITY.—To be eligible to obtain a scholarship under this subsection, a student shall be enrolled in a program offered by an institution of higher education that provides training and education for a clean energy workforce described in subsection (a)(1).

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

DIVISION C—GLOBAL RISK MANAGEMENT

SEC. 501. SENSE OF CONGRESS ON GEOPOLITICAL CONSEQUENCES OF OIL DEPENDENCE.

(a) FINDINGS.—Congress finds that—

(1) it is imperative to the national security, economic prosperity, and environmental integrity of the United States to have reliable, diverse, and affordable energy supplies;

(2)(A) the United States faces a multifaceted and growing threat to energy security;

(B) State-owned energy companies, especially those of adversarial governments, are using the energy supplies of the companies as leverage to promote foreign policies of states; and

(C) politically motivated domestic groups, pirates, and terrorists further present an increasing risk to critical energy infrastructure and key corridors of international energy supplies;

(3) efforts to develop a long-term energy policy for the United States is partially hindered by the lack of consistent and accurate information on world energy reserves;

(4) the United States should develop short-term policies and strategies that—

(A) protect key energy infrastructure;

(B) secure critical geographic transit routes; and

(C) mitigate political instability from energy suppliers;

(5) over the long-term, the United States should focus national security organizations on obtaining better information on world reserves of energy and strengthening relationships with certain key nations;

(6) addressing the challenge of energy security now and in the future will require the United States to use all instruments of national power, including the military, diplomatic, and intelligence services; and

(7) the United States should make it a priority to engage key developing nations such as China and India on fossil fuel use in order to address global energy security and climate change challenges.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) sufficient resources should be provided to United States national security agencies to enable the agencies to protect tankers and other vessels, critical infrastructure, and supply routes;

(2) the President should work with Congress—

(A) to coordinate efforts between the Department of State and the Department of Justice to bolster programs to train national police and domestic security forces tasked with defending energy infrastructure in key countries;

(B) to promote initiatives by the Department of State and the Department of Defense—

(i) to provide allied nations with the technical expertise to minimize the consequences of an infrastructure accident or attack;

(ii) to engage the North Atlantic Treaty Organization (NATO) and other allies in negotiations on creating a security architecture to protect the strategic terrain; and

(iii) to work with the Coast Guard to strengthen the capacity of local, national, and regional maritime security forces;

(C) to mobilize the Department of Defense and the Department of Energy, in conjunction with the intelligence community, to conduct detailed scenario planning exercises on the repercussions of attacks on critical energy infrastructure; and

(D)(i) to authorize the Department of State to provide the President with diplomatic options, including the imposition of sanctions, for addressing states that use energy as a political weapon; and

(ii) to improve the capacity of the Department of State to provide diplomatic support to resolve conflicts that impact the energy security of the United States; and

(3) the intelligence community should be given an integral role in bolstering United States national energy security interests by—

(A) completing a comprehensive national intelligence estimate on energy security that assesses the most vulnerable aspects of critical energy infrastructure and the future stability of major energy suppliers;

(B) improving warning time to prevent attacks on key energy infrastructure;

(C) expanding the collection of intelligence on national energy companies and the energy reserves of those companies; and

(D) bolstering collection and analysis of potential strategic conflicts that could disrupt key energy supplies.

SEC. 502. STUDY OF FOREIGN FUEL SUBSIDIES.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study of foreign fuel subsidies, including—

(1) the impact of the subsidies on global energy supplies, global energy demand, and global economic impacts; and

(2) recommendations on actions that should be taken to reduce the impact of the subsidies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the results of the study conducted under this section, including any recommendations.

By Mr. BROWN (for himself, Ms. SNOWE, and Mrs. MURRAY):

S. 777. A bill to promote industry growth and competitivenes and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, Senator SNOWE of Maine, Senator MURRAY of Washington, and I are introducing a workforce development bill—the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

Over the last 2 years, I have held more than 130 roundtable discussions in communities all over Ohio.

One of the themes that has recurred in the roundtables—from workers and employers, business and labor, teachers and professors—is that we need to do a better job connecting workers with the middle and high skills needed for careers that are growing in Ohio.

Today, Ohio has an unemployment rate of 9.4 percent higher than the national average. As many in this chamber are aware, older workers have been hit hard by the economic downturn. The Urban Institute reported that job loss for older workers is at a 31-year high.

Over the past eight years, Ohio lost more than 230,000 manufacturing jobs—a 24 percent drop of employment in a sector so vital to Ohio's economy.

That said, employers throughout the State talk about jobs gone begging, and not being able to fill middle and high skilled positions. There are open jobs in high-tech, healthcare, and even manufacturing that are going unfilled.

A recent report by labor economists Harry Holzer and Robert Lerman found that substantial demand remains in today's labor market for skilled workers. This is particularly true for ''middle-skill'' jobs that require more than a high school degree but less than a four-year college degree. These jobs make up nearly half of America's labor market and provide good compensation for workers.

Congress needs to focus on skills training now more than ever.

The approach Senator SNOWE, Senator MURRAY, and I take in this bill is to organize training around industry clusters.

Silicon Valley, the Research Triangle in North Carolina, Route 128 around Boston—these are examples of clusters.

But, it is not just high tech jobs either.

Think of tourism in Florida, or insurance in Connecticut, or food packaging in Pennsylvania. These are successful clusters that build around a skilled labor force.

The Ohio Workforce Board has compiled great information about emerging industries and skills programs needed to see people fill these jobs.

Ohio Governor Ted Strickland and Chancellor Eric Fingerhut are giving workforce training a high priority.

This bill provides incentives to employers, labor, educators, and workforce investment boards to model the best skills training approaches happening in Ohio and around the country.

The SECTORS Act focuses on targeted training, with multiple stakeholders in the same industry. The bill right now requires four principal stakeholders to be part of a training program: industry, labor unions, workforce investment boards, and community colleges.

It encourages official economic development organizations, where appropriate, to be partners.

We want to build in a process that makes a training program sustainable and not just a one-time infusion of money. With that in mind, our bill contains a matching funds requirement.

The legislation builds in rigorous evaluation so lawmakers and policymakers know how tax dollars are being spent, something that has not been the cause under President Bush's Department of Labor's training initiatives.

The Government Accountability Office found in May 2008 that the Labor Department's demand-driven workforce training programs have often been awarded through a non-competitive process, and have lacked accountability and evaluation so that Americans know how their tax dollars are being spent.

We need to break clean from this approach.

I plan to work with Senator SNOWE, Senator MURRAY, and colleagues in both chambers to authorize an industry sector skills training program that builds in accountability and sustainability, and helps workers and businesses thrive in Ohio, Maine, Washington, and throughout the country.

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

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

S. 777

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Employment Clusters to Organize Regional Success Act of 2009'' or the ''SECTORS Act of 2009''.

SEC. 2. INDUSTRY OR SECTOR PARTNERSHIP GRANT.

Subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.) is amended by inserting after section 173A the following:

''SEC. 173B. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to create designated capacity to promote industry or sector partnerships that lead collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed in a targeted industry cluster, in order to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in targeted industry clusters. The activities carried out by the partnerships may include the development of—

''(1) immediate strategies for regions and communities to fulfill pressing skilled workforce needs;

''(2) long-term plans to grow targeted industry clusters with better training and a more productive workforce;

''(3) core competencies and competitive advantages for regions and communities undergoing structural economic redevelopment; and

''(4) skill standards, career ladders, job redefinitions, employer practices, and shared training and support capacities for the targeted industry cluster that facilitate the advancement of workers at all skill levels.

''(b) DEFINITIONS.—In this section:

''(1) CAREER LADDER.—The term 'career ladder' means an identified series of positions, work experiences, and educational benchmarks or credentials that offer occupational and financial advancement within a specified career field or related fields over time.

''(2) ECONOMIC SELF-SUFFICIENCY.—The term 'economic self-sufficiency' means, with respect to a worker, earning a wage sufficient to support a family adequately over time, based on factors such as—

''(A) family size;

''(B) the number and ages of children in the family;

''(C) the cost of living in the worker's community; and

''(D) other factors that may vary by region.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an industry or sector partnership; or

''(B) an eligible State agency.

''(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency designated by the Governor of the State for the purposes of the grant program under this section.

''(5) HIGH-PRIORITY OCCUPATION.—The term 'high-priority occupation' means an occupation that—

''(A) has a significant presence in an industry cluster;

''(B) is in demand by employers;

''(C) pays family-sustaining wages that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to such wages;

''(D) has a documented career ladder; and

''(E) has a significant impact on a region's economic development strategy.

''(6) INDUSTRY CLUSTER.—The term 'industry cluster' means a concentration of interconnected businesses, suppliers, research and development entities, education and training providers, and associated institutions in a particular field that are linked by common workforce needs.

''(7) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that—

''(A) organizes key stakeholders in a targeted industry cluster into a working group that focuses on the shared goals and human resources needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

''(i) representatives (including workers) of multiple firms or employers in a targeted industry cluster, including small- and medium-sized employers when practicable;

''(ii) 1 or more representatives of a recognized State labor organization or central labor council, or other labor representatives as determined appropriate by the Secretary;

''(iii) 1 or more representatives of a local board;

''(iv) 1 or more representatives of a post-secondary educational institution or other training provider; and

''(v) 1 or more representatives of a State workforce agency or other entity providing employment services; and

''(B) may include representatives of—

''(i) State or local government;

''(ii) State or local economic development agencies;

''(iii) other State or local agencies;

''(iv) business or trade associations;

''(v) official economic development organizations;

''(vi) community-based organizations;

''(vii) philanthropic organizations;

''(viii) industry associations; and

''(ix) other organizations, as determined necessary by the members comprising the industry or sector partnership.

''(8) TARGETED INDUSTRY CLUSTER.—The term 'targeted industry cluster' means an industry cluster that has—

''(A) significant current or potential economic impact in a local or regional area;

''(B) immediate workforce development needs; and

''(C) documented opportunities for career advancement.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under subsection (i), the Secretary shall award, on a competitive basis, planning grants described in paragraph (3) and implementation grants described in paragraph (4) to eligible entities, to enable the eligible entities to plan and implement, respectively, the eligible entities' strategic objectives in accordance with subsection (f).

''(2) MAXIMUM AMOUNT.—

''(A) PLANNING GRANTS.—A planning grant awarded under paragraph (3) shall not exceed $250,000.

''(B) IMPLEMENTATION GRANTS.—An implementation grant awarded under paragraph (4)(A) shall not exceed a total of $2,500,000 for a 3-year period.

''(C) RENEWAL GRANTS.—A renewal grant awarded under paragraph (4)(C) shall not exceed a total of $1,500,000 for a 3-year period.

''(3) PLANNING GRANTS.—

''(A) IN GENERAL.—The Secretary may award a planning grant under this section to an eligible entity that—

''(i) is a newly formed industry or sector partnership; and

''(ii) has not received a grant under this section.

''(B) DURATION.—A planning grant shall be for a duration of 1 year.

''(4) IMPLEMENTATION GRANTS.—

''(A) IN GENERAL.—The Secretary may award an implementation grant under this section to—

''(i) an eligible entity that has already received a planning grant under this section; or

''(ii) an eligible entity that is an established industry or sector partnership.

''(B) DURATION.—An implementation grant shall be for a duration of not more than 3 years, and may be renewed in accordance with subparagraph (C).

''(C) RENEWAL.—The Secretary may renew an implementation grant for not more than 3 years. A renewal of such grant shall be subject to the requirements of this section, except that the Secretary shall—

''(i) prioritize renewals to eligible entities that can demonstrate the long-term sustainability of an industry or sector partnership funded under this section;

''(ii) as a condition of renewing the grant, and notwithstanding subparagraph (D), decrease the amount of the Federal share and increase the amount of the non-Federal share required for the grant, which must include at least a 25 percent cash match from the State, the industry cluster, or some combination thereof; and

''(iii) require assurances that the eligible entity will leverage, each year, additional funding sources in accordance with subparagraph (D)(ii) than the eligible entity provided for the preceding year of the grant.

''(D) FEDERAL AND NON-FEDERAL SHARE.—

''(i) FEDERAL SHARE.—Except as provided in subparagraph (C)(ii), the Federal share of an implementation grant under this section shall be—

''(I) 90 percent of the costs of the activities described in subsection (f), in the first year of the grant;

''(II) 80 percent of such costs in the second year of the grant; and

''(III) 70 percent of such costs in the third year of the grant.

''(ii) NON-FEDERAL.—The non-Federal share of an implementation grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other sources.

''(5) FISCAL AGENT.—Each eligible entity receiving a grant under this section that is an industry or sector partnership shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

''(6) USE OF GRANT FUNDS DURING GRANT PERIODS.—An eligible entity receiving grant funds under a planning grant, implementation grant, or a renewal grant under this section shall expend grant funds or obligate grant funds to be expended by the last day of the grant period.

''(d) APPLICATION PROCESS.—

''(1) IDENTIFICATION OF A TARGETED INDUSTRY CLUSTER.—In order to qualify for a grant under this section, an eligible entity shall identify a targeted industry cluster that could benefit from such grant by—

''(A) working with businesses, industry associations and organizations, labor organizations, State boards, local boards, economic development agencies, and other organizations that the eligible entity determines necessary, to identify an appropriate targeted industry cluster based on criteria that include, at a minimum—

''(i) data showing the competitiveness of the industry cluster;

''(ii) the importance of the industry cluster to the economic growth of the area served by the eligible entity;

''(iii) the identification of supply and distribution chains within the industry cluster; and

''(iv) research studies on industry clusters; and

''(B) working with appropriate employment agencies, local boards, economic development agencies, community organizations, and other organizations that the eligible entity determines necessary, to ensure that the targeted industry cluster identified under subparagraph (A) should be targeted for investment, based primarily on the following criteria:

''(i) Demonstrated demand for job growth.

''(ii) Measurable evidence of competitiveness.

''(iii) Employment base.

''(iv) Wages and benefits.

''(v) Demonstrated importance of the targeted industry cluster to the area's economy.

''(vi) Workforce development needs of the area surrounding the targeted industry cluster.

''(2) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An application submitted under this paragraph shall contain, at a minimum, the following:

''(A) A description of the eligible entity, evidence of the eligible entity's capacity to carry out activities in support of the strategic objectives identified in the application under subparagraph (D), and, if the eligible entity is an industry or sector partnership, a description of the expected participation and responsibilities of each of the mandatory partners described in subsection (b)(8)(A).

''(B) A description of the targeted industry cluster for which the eligible entity intends to carry out activities through a grant under this section, and a description of how such targeted industry cluster was identified in accordance with paragraph (1).

''(C) A description of the workers that will be targeted or recruited by the partnership, including an analysis of the existing labor market, a description of potential barriers to employment for targeted workers, and a description of strategies that will be employed to help workers overcome such barriers.

''(D) A description of the strategic objectives that the eligible entity intends to carry out for the targeted industry cluster, which objectives shall include—

''(i) recruiting key stakeholders in the targeted industry cluster, such as businesses and employers, labor organizations, industry associations, local boards, State boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

''(ii) identifying the shared training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation in the targeted industry cluster;

''(iii) facilitating economies of scale by aggregating training and education needs of multiple employers in the targeted industry cluster;

''(iv) helping postsecondary educational institutions, training institutions, and registered apprenticeship programs align curricula, entrance requirements, and programs to industry demand, particularly for higher skill, high-priority occupations validated by the industry;

''(v) ensuring that the State agency carrying out the State program under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including staff of the agency that provide services under such Act, shall inform recipients of unemployment insurance and trade adjustment assistance under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2401 et seq.) of the job and training opportunities that may result from the implementation of this grant;

''(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, registered apprenticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of connecting disadvantaged adults, as defined in section 132(b)(1)(B)(v), and disadvantaged youth, as defined in section 127(b)(2), to careers;

''(vii) helping companies in the targeted industry cluster identify, and work together to address, common organizational and human resources challenges, such as—

''(I) recruiting new workers;

''(II) developing and implementing effective workplace practices;

''(III) retaining dislocated and incumbent workers;

''(IV) implementing a high-performance work organization;

''(V) recruiting and retaining women in nontraditional occupations;

''(VI) adopting new technologies; and

''(VII) fostering experiential and contextualized on-the-job learning;

''(viii) developing and strengthening career ladders within and across companies (in cooperation with labor organizations if the labor organizations represent employees engaged in similar work in the industry cluster), in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

''(ix) improving job quality through improving wages, benefits, and working conditions;

''(x) helping partner companies in industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are low-income, youth, older workers, or individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

''(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation.

''(E) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives described in subparagraph (D).

''(F) Performance measures, including quantifiable interim performance benchmarks, for measuring progress toward the strategic objectives. Such measures shall consider, at a minimum, the benefits provided by the grant activities funded under this section for—

''(i) workers employed in the targeted industry cluster, disaggregated by gender and race, including—

''(I) the number of workers receiving portable industry-recognized credentials;

''(II) the number of workers with increased wages, the percentage of workers with increased wages, and the average wage increase; and

''(III) for dislocated or nonincumbent workers, the number of workers placed in sector-related jobs; and

''(ii) firms and industries in the targeted industry cluster, including—

''(I) the creation or updating of an industry plan to meet current and future workforce demand;

''(II) the creation or updating of published industry-wide skill standards or career pathways;

''(III) the creation or updating of portable, industry-recognized credentials, or where there is not such a credential, the creation or updating of a training curriculum that

can lead to the development of such a credential;

''(IV) in the case of an eligible entity that is an industry or sector partnership, the number of firms, and the percentage of the local industry, participating in the industry or sector partnership; and

''(V) the number of firms, and the percentage of the local industry, receiving workers or services through the grant funded under this section.

''(G) A timeline for achieving progress toward the strategic objectives.

''(H) In the case of an eligible entity desiring an implementation grant under this section, an assurance that the eligible entity will leverage other funding sources, in addition to the amount required for the non-Federal share under subsection (c)(4)(D), to provide training or supportive services to workers under the grant program. Such additional funding sources may include—

''(i) funding under this title used for such training and supportive services;

''(ii) funding under the Adult Education and Family Literacy Act of 1998 (20 U.S.C. 9201 et seq.);

''(iii) funding under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

''(iv) economic development funding;

''(v) employer contributions to training initiatives; or

''(vi) providing employees with employee release time for such training or supportive services.

''(e) AWARD BASIS.—

''(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this section in a manner to ensure geographic diversity.

''(2) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(A) work with employers within a targeted industry cluster to retain and expand employment in high wage, high growth areas;

''(B) focus on helping workers move toward economic self-sufficiency and ensuring the workers have access to adequate supportive services;

''(C) address the needs of firms with limited human resources or in-house training capacity, including small- and medium-sized firms; and

''(D) coordinate with entities carrying out—

''(i) State and local workforce investment activities, including the one-stop delivery system;

''(ii) adult secondary education, career and technical education, and postsecondary education; and

''(iii) economic development activities.

''(f) ACTIVITIES.—

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives described in the entity's application in a manner that—

''(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

''(B) uses grant funds awarded under this section efficiently.

''(2) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 10 percent of the grant amount.

''(g) EVALUATION AND PROGRESS REPORTS.—

''(1) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a grant under this section, and annually thereafter for the duration of the grant, an eligible entity shall—

''(A) report to the Secretary, and to the Governor of the State that the eligible entity serves, on the activities funded pursuant to a grant under this section; and

''(B) evaluate the progress the eligible entity has made toward the strategic objectives identified in the application under subsection (d)(2)(D), and measure the progress using the performance measures identified in the application under subsection (d)(2)(F).

''(2) REPORT TO THE SECRETARY.—An eligible entity receiving a grant under this section shall submit to the Secretary a report containing the results of the evaluation described in paragraph (1)(B) at such time and in such manner as the Secretary may require.

''(h) ADMINISTRATION BY THE SECRETARY.—

''(1) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 10 percent of the funds appropriated pursuant to the authorization of appropriations under subsection (i) for each fiscal year to administer this section.

''(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible State and local agencies or eligible entities in applying for and administering grants awarded under this section. The Secretary shall also provide technical assistance to eligible entities in the form of conferences and through the collection and dissemination of information on best practices developed by eligible partnerships. The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of industry cluster partnerships.

''(3) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in subsection (d)(2)(D). Such measures shall consider the benefits of the industry or sector partnership and its activities for workers, firms, industries, and communities.

''(4) DISSEMINATION OF INFORMATION.—The Secretary shall—

''(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes—

''(i) the critical learning of each industry or sector partnership, such as—

''(I) the training that was most effective;

''(II) the human resource challenges that were most common;

''(III) how technology is changing the targeted industry cluster; and

''(IV) the changes that may impact the targeted industry cluster over the next 5 years; and

''(ii) a description of what eligible entities serving similar targeted industry clusters consider exemplary practices, such as—

''(I) how to work effectively with postsecondary educational institutions;

''(II) the use of internships;

''(III) coordinating with apprenticeships and cooperative education programs;

''(IV) how to work effectively with schools providing vocational education;

''(V) how to work effectively with adult populations, including—

''(aa) dislocated workers;

''(bb) women in nontraditional occupations; and

''(cc) individuals with barriers to employment, such as job seekers who—

''(AA) are economically disadvantaged;

''(BB) have limited English proficiency;

''(CC) require remedial education;

''(DD) are older workers;

''(EE) are individuals with disabilities;

''(FF) are veterans;

''(GG) are individuals who have completed a sentence for a criminal offense; and

''(HH) have other barriers to employment;

''(VI) employer practices that are most effective;

''(VII) the types of training that are most effective; and

''(VIII) other areas where industry or sector partnerships can assist each other;

''(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

''(C) conduct conferences and seminars to—

''(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

''(ii) provide information to the communities of eligible entities.

''(5) REPORT.—Not later than 18 months after the date of enactment of the Strengthening Employment Clusters to Organize Regional Success Act of 2009, and annually thereafter, the Secretary shall transmit a report to Congress on the industry or sector partnership grant program established by this section. The report shall include a description of—

''(A) the eligible entities receiving funding;

''(B) the activities carried out by the eligible entities;

''(C) how the eligible entities were selected to receive funding under this section; and

''(D) an assessment of the results achieved by the grant program including findings from the annual reviews described in paragraph (4)(A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and for each succeeding fiscal year.

''(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) for the fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were first appropriated.''.

SEC. 3. FEDERAL AGENCY COORDINATION.

(a) INTERAGENCY COOPERATION.—The head of each Federal department or agency whose funding, regulations, or other policies impact workers shall cooperate with the Secretary of Labor to—

(1) maintain up-to-date information on jobs, wages, benefits, skills, and careers of workers impacted by the actions of such agency or department;

(2) develop and implement policies that would improve the jobs and careers of workers impacted by the actions of such agency or department; and

(3) report the department or agency's job creation and economic development strategies to the Secretary.

(b) ALIGNMENT.—Notwithstanding any other provision of law, the Secretary and the heads of other Federal departments or agencies shall work together to align existing education and training programs with the demonstrated needs of industry or sector partnerships, as defined in section 173B(b) of the Workforce Investment Act. These collaborative efforts shall include the following:

(1) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall advise the Secretary of Labor of the Department of Commerce's workforce and economic development strategies, programs, and initiatives.

(2) JUSTICE DEPARTMENT.—The Attorney General shall—

(A) align federally funded programs offering training for inmates with industry clusters (as defined in section 173B(b) of the

Workforce Investment Act) and high-priority occupations, and annually review these training programs to assure that the training programs prepare individuals for high-priority occupations; and

(B) align federally funded reentry programs to take advantage of information and career opportunities provided by industry and sector partnerships.

(3) DEPARTMENT OF EDUCATION.—The Secretary of Education shall—

(A) develop and support career ladders for high-priority occupations critical to targeted industry clusters served by a grant under section 173B of the Workforce Investment Act;

(B) develop and support innovative programs to address literacy (including English as a second language) and numeracy shortcomings, especially in those occupations critical to such targeted industry clusters;

(C) develop and support programs and strategies to reduce barriers to adult education;

(D) develop and support career education initiatives in middle and high schools; and

(E) support initiatives to develop industry-recognized credentials and new credit-bearing programs in public and private postsecondary educational institutions, especially in occupations critical to such targeted industry clusters.

(4) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall—

(A) develop and support innovative programs that connect qualified individuals receiving assistance under the State temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with employment opportunities in the targeted industry clusters served by a grant under section 173B of the Workforce Investment Act;

(B) develop and support strategies to prepare individuals receiving assistance under the State temporary assistance for needy families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for success in postsecondary education and training programs; and

(C) develop and support career education initiatives that provide such individuals with information to guide the clients' education and training plans.

Ms. SNOWE. Mr. President, I rise today in support of the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act which Senators BROWN and I are introducing. This legislation would amend the Workforce Investment Act of 1998 to establish a new industry or sector partnership grant program administered by the Department of Labor.

The SECTORS Act provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions—in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current Federal policy does not provide sufficient support for these critical ventures.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers have access to a capable workforce. Unfortunately, manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace.

In fact, in my home State of Maine, the manufacturing sector has shed an alarming 23,600 jobs in the past 10 years; nearly 30 percent of the State's manufacturing employment. It is thereby critical that we as a Nation provide unemployed manufacturing workers the training needed to excel as our manufacturing sector becomes increasingly technical. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership we will take a crucial step toward rejuvenating our economy.

Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation.

By Mr. NELSON, of Florida (for himself, Mr. CORNYN, Mr. MARTINEZ, and Mr. DODD):

S. 780 bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a bill, the U.S.-Paraguay Partnership Act of 2009, to add Paraguay as a beneficiary under the Andean Trade Promotion and Drug Eradication Act.

I want to thank my colleague on the Finance Committee, Senator JOHN CORNYN, for joining me in sponsoring this legislation. I understand a companion bill is being introduced in the House today as well by Representatives ENGEL and BURTON.

Paraguay, located in the important Tri-Border region of South America, shares borders with Brazil, Bolivia, and Argentina. Paraguay is one of the poorest nations in the Western Hemisphere, with 30 percent of its population surviving on less than $2 a day. In 2007, U.S. exports to Paraguay exceeded $1.2 billion, while Paraguayan imports to the U.S. totaled just $68 million. Florida has historically served as a key source and transit point for U.S. two-way trade with Paraguay and will likely benefit from increased economic links between our two countries. Florida's deep-water ports serve as the main shipping points for goods coming from or going to Latin America. In addition, Paraguay, a major drug transit hub, has been a reliable U.S. partner for many years in our counternarcotics and counterterrorism efforts in the region. Nevertheless, we have neglected to include Paraguay in the important Andean trade program.

I believe that Paraguay is deserving of inclusion in this program.

The Andean Trade Promotion and Drug Eradication Act is a preference program that was established in 1991 and reauthorized with the drug cooperation element in 2002. It currently grants duty-free access to a range of exports from four Andean countries including Colombia, Ecuador, Peru, and Bolivia. This bill will add Paraguay as the fifth beneficiary country of this program, which will help connect Paraguay to the U.S. market and foster closer cooperation on a range of important anti-drug trafficking and national security issues. Currently, Paraguayan products are not competitive in U.S. markets because they are subject to higher tariffs than other Latin American and Caribbean countries that ship these same items duty-free to the U.S.

You may recall that the very first Summit of the Americas was held in 1994 in Miami, FL, where delegates discussed trade, combating drugs, and promotion of democracy. The new administration and our international partners will continue to grapple with these vital issues at the 5th Summit of the Americas, which will take place in Trinidad from April 17 to 19.

President Obama, who will be leading the U.S. delegation to the Summit in Trinidad, has said that we must work to develop a ''partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States.''

The upcoming Summit of the Americas is dedicated to promoting prosperity and democracy in the Western Hemisphere. Surely, the thirty-four democratically elected heads of state who will be in attendance in Trinidad must focus on the situation of poverty-stricken countries such as Paraguay and Haiti. The election of President Fernando Lugo of Paraguay in May

2008 marked the democratic transfer of power in Paraguay after six decades of uninterrupted rule by the Colorado Party. It is in America's interest to support democracy and economic prosperity throughout the Hemisphere and I believe that adding Paraguay to this trade program is a positive step in that direction. The proud Paraguayan-American citizens of Florida and of other States, who have made important contributions to American society, will no doubt support this move.

In the spirit of the Summit of the Americas, we should strengthen our relationship with Latin America as a whole. We should continue to support representative democracy and expand prosperity in the Hemisphere. Therefore, I urge the Senate to include Paraguay in the Andean Trade Preference Act, a decision that will benefit both our countries as trade expands. Together with the other nations of the Western Hemisphere, we must strive to find common solutions to common problems, given the tremendous challenges we face today.

Mr. CORNYN. Mr. President, I rise to speak in favor of the U.S.-Paraguay Partnership Act of 2009. I introduced this legislation earlier today along with my colleague from the Finance Committee, Senator BILL NELSON of Florida.

This legislation will do two things; it will reduce trade barriers between the U.S., and Paraguay and it will encourage continued bi-national security cooperation. Paraguay is a friendly ally in Latin America, and it is beneficial to support and empower our allies in this sometimes-hostile region of the Americas.

The U.S.-Paraguay Partnership Act will add Paraguay to our Nation's existing trade pact with four countries in the Andean region of Latin America. The Andean Trade Promotion and Drug Enforcement Act, ATPDEA, enacted in 2002, is an economic tool that provides incentives for Andean nations to grow and manufacture legitimate products in order to reduce the grip of illegal drug cultivation and trafficking.

The ATPDEA has helped reduce the flow of narcotics from Peru, Colombia, and Ecuador since its enactment. In addition to the illegal drug eradication function, the accord also fostered much greater economic cooperation between the Andean region and the U.S. Moreover, the two free trade agreements President George W. Bush negotiated and signed with Peru and Colombia were borne out of the cooperation developed by the Andean trade accord.

Paraguay is an important ally in U.S. counternarcotics efforts and is helping crackdown on terrorist financing activities in its region. The government of Paraguay recognizes the value in developing its economy by promoting legitimate alternatives to narcotics cultivation and trade. Our bi-national eradication strategy is working, and this bill will provide economic incentives to continue the fight against narco-terrorism from the ground up.

The ATPDEA is a temporary trade preferences law and is due for reconsideration later this year. I encourage my colleagues to seriously consider the merits of adding Paraguay as a beneficiary country when the ATPDEA is reauthorized. It is time to extend the benefits of the ATPDEA to the nation of Paraguay.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 97—DESIGNATING JUNE 1, 2009, AS ''COLLECTOR CAR APPRECIATION DAY'' AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 97

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of this Nation's heritage by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

Resolved, That the Senate—

(1) designates June 1, 2009, as ''Collector Car Appreciation Day'';

(2) encourages the Department of Education, the Department of Transportation, and other Federal agencies to work in collaboration with the community of car collectors in the United States to support events and commemorations of ''Collector Car Appreciation Day'', including exhibitions and educational and cultural activities for young people; and

(3) encourages the people of the United States to engage in events and commemorations of ''Collector Car Appreciation Day'' that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

SENATE CONCURRENT RESOLUTION 16—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT OF THE UNITED STATES SHOULD EXERCISE HIS CONSTITUTIONAL AUTHORITY TO PARDON POSTHUMOUSLY JOHN ARTHUR ''JACK'' JOHNSON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 16

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting white and African American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 white champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning white titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a white boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas, in 1910, a white former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African Americans, and the racially-motivated murder of African Americans nationwide;

Whereas the relationships of Jack Johnson with white women compounded the resentment felt toward him by many whites;

Whereas, between 1901 and 1910, 754 African Americans were lynched, some for simply for being ''too familiar'' with white women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas, in October 1912, Jack Johnson became involved with a white woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman