

S. 883

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 922

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 922, a bill to amend the Internal Revenue Code of 1986 to modify the term "5-year property".

S. 923

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 923, a bill to promote the development and use of marine renewable energy technologies, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 970, a bill to promote and

enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 982

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 987

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1013

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1013, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S.J. RES. 10

At the request of Mr. THUNE, his name was added as a cosponsor of S.J. Res. 10, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON MAY 7, 2009

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. DORGAN, Mr. TESTER, Mr. BAYH, Ms. LANDRIEU, and Mr. CASEY):

S. 1013. A bill to authorize the Secretary of Energy to carry out a pro-

gram to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to have been able to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009, S. 1013, along with Sens. BARRASSO, DORGAN, TESTER, UDALL, BAYH, LANDRIEU, CASEY, and VOINOVICH. It is critical that we work towards reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing their carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national indemnity program through the Department of Energy for up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need for liability treatments and adequate project financing for early mover projects. An indemnity program is a strong step to building confidence for project developers and demonstrates that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas fired utilities, cement plants, refineries and other carbon intensive industrial processes.

In addition, the legislation maps out a clear framework for closing down a geological storage site. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly following closure and for long-term preventative maintenance of the geologic storage site. Many stakeholders associate maintenance issues with liability concerns, however they should be viewed as two separate entities. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring and verification of an injected carbon dioxide plume at each of the storage sites that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase.

Also, as carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill creates a grant program whose goal

is to train State agencies and personnel who oversee the regulatory aspects of geologic storage of carbon dioxide.

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. 1013

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 "Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009".

SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

"SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

"(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

"(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

"(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

"(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

"(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

"(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

"(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

"(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

"(B) the principal potential modes of geomechanical failure in the geological storage unit;

"(C) the ability of the geological storage unit to retain injected carbon dioxide; and

"(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

"(2) possess the land or interests in land necessary for—

"(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

"(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

"(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

"(4) agree to comply with each requirement of subsection (e).

"(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

"(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with Federal and State requirements to protect drinking water supplies;

"(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

"(3) comply with all applicable construction and operating requirements for deep injection wells;

"(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

"(A) escaping from or migrating beyond the confinement zone; or

"(B) endangering an underground source of drinking water;

"(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

"(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

"(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

"(B) complying with subsection (f);

"(6) comply with applicable long-term care requirements;

"(7) maintain financial protection in a form and in an amount acceptable to—

"(A) the Secretary;

"(B) the Secretary with jurisdiction over the land; and

"(C) the Administrator of the Environmental Protection Agency; and

"(8) provide the assurances described in section 963(d)(4)(B).

"(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has come into equilibrium with the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

"(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed.

"(2) There is no leakage of either carbon dioxide or displaced fluid in the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

"(3) The injected or displaced fluids are not expected to migrate in the future in a man-

ner that encounters a potential leakage pathway.

"(4) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

"(g) INDEMNIFICATION AGREEMENTS.—

"(1) DEFINITION OF LIABILITY.—In this subsection, the term 'liability' means any legal liability for—

"(A) bodily injury, sickness, disease, or death;

"(B) loss of or damage to property, or loss of use of property; or

"(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

"(2) AGREEMENTS.—The Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

"(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

"(4) COLLECTION OF FEES.—

"(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

"(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

"(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

"(ii) other factors pertaining to the hazard of the indemnified project.

"(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

"(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—The Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), or section 11 of title 41, United States Code (commonly known as the 'Adequacy of Appropriations Act').

"(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

"(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

"(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

"(i) shall collaborate with the recipient of an award under this subsection; and

"(ii) may—

"(I) approve the payment of any claim under the agreement of indemnification;

"(II) appear on behalf of the recipient;

"(III) take charge of an action; and

"(IV) settle or defend an action.

"(C) SETTLEMENT OF CLAIMS.—

"(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the

United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

“(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

“(h) FEDERAL LAND.—

“(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and conditions as the Secretary concerned determines to be necessary.

“(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1715).

“(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

“(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

“(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

“(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).”

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITIONS.—In this section:

“(1) INDUSTRIAL SOURCE.—The term ‘industrial source’ means any source of carbon dioxide that is not naturally occurring.

“(2) LARGE-SCALE.—The term ‘large-scale’ means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.”;

(C) in subsection (b) (as so redesignated), by striking “IN GENERAL” and inserting “PROGRAM”;

(D) in subsection (c) (as so redesignated), by striking “subsection (a)” and inserting “subsection (b)”;

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking “section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))” each place it appears and inserting “section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))”.

SEC. 3. TRAINING PROGRAM FOR STATE AGENCIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State agencies involved in permitting, management, inspec-

tion, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section \$10,000,000 for each of fiscal years 2010 through 2020.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Ms. COLLINS):

S. 1025. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies or major disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in introducing a bill that would provide reasonable job protections for our Nation’s volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in State and Federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home State of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a mostly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is troubling. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 work days.

Most employers are strong supporters of our volunteer firefighters and EMS personnel, and this bill im-

poses no unreasonable burdens on employers. They are not obligated to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

By extending some peace of mind to these brave men and women, we can strengthen the protection and life-saving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original cosponsor.

By Mr. CORNYN (for himself, Mr. INHOFE, Mr. WYDEN, Mrs. HUTCHISON, and Mr. BEGICH):

S. 1026. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, today I am reintroducing the Military Voting Protection Act—a bipartisan bill to support our troops and protect their right to vote. In every Federal election in recent memory, American Soldiers, Sailors, Airmen, and Marines have encountered substantial roadblocks in the voting process, especially those who are deployed to Iraq and Afghanistan. This is a national disgrace.

Our military service members put their lives on the line to protect the rights and freedoms of all Americans. In return, it is our responsibility to do everything we can to support them. The nature of the Global War on Terror and the high tempo of U.S. military operations—including our surge into Afghanistan—will necessitate overseas service by our troops for the foreseeable future. It is imperative that we put in place a system to ensure that American service members serving abroad can participate in the democratic process even as they simultaneously fight to defend our democracy, its institutions, and the American way of life. Surely, these brave men and women have earned at least that much through their blood, sweat, and tears.

Yet the country they defend has repeatedly denied our troops one of our most sacred rights—the right to vote. The U.S. Election Assistance Commission, in studying the 2006 election, found that only 47.6 percent of the military voters who requested absentee ballots were actually successful in casting those ballots. That means that less than half of those troops who wanted to vote were able to do so,