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Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, September 4, 2007, at 12:30 p.m.

House of Representatives

SATURDAY, AUGUST 4, 2007

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

May the Lord bless the Members of Congress as they finalize work in this Chamber, return to their districts, and attend to family members and responsibilities.

Grant them, and all vacationing Americans, safe travel, health and summer delights. May peace reign in their hearts and in their homes, and may true friends be there to welcome them.

May these days of recess be a time of renewal and reflection, so that they return to Congress with new energy, creativity, and a spirit of civility that will bring forth their best instincts for intelligent discourse and human exchange that will model behavior for the Republic and show the world the shape democracy takes when you have government of the people, for the people, and by the people.

Because of its unique position in human history today, God bless America now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. SCHIFF). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. SARBANES) come forward and lead the House in the Pledge of Allegiance.

Mr. SARBANES led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HUMMER FOR HYBRID

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

Mr. BLUMENAUER. Mr. Speaker, for years I've been fighting to eliminate a perverse provision in the tax code that actually provided an incentive, a tax break for purchasing the largest, most expensive gas guzzlers, luxury cars weighing over 6,000 pounds. This perverse incentive, hence, the nickname, the ''Hummer Loophole,'' has resisted action for change and has retained its position.

This year, we have, in fact, taken action, not just to close the Hummer Loophole, but to extend benefits to lighter, more fuel-efficient cars and vans for business, while we use some of the savings to create a tax benefit for plug-in hybrids.

Trading Hummers for hybrids. Another important reason to vote for the renewable energy and conservation tax package coming forward today to help us meet the most serious environmental, economic and national security challenges, help us fight global warming, and promote energy efficiency.

CONGRATULATING REPUBLICANS FOR ACTING TO PROTECT AMERICANS

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

Mr. PEARCE. Mr. Speaker, I rise today to congratulate congressional Republicans for acting to protect Americans.

Last week we passed, and yesterday the President signed, legislation protecting Americans who in good faith

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report suspicious terrorist activities. Conservatives successfully fought the liberal leadership of this House to pass the John Doe protection legislation.

On August 1, after the House and Senate acted, the lawyer for the six Muslim clerics who were removed from a U.S. Airways flight last November amended their lawsuit to remove John Doe passengers from the lawsuit. What does that mean, Mr. Speaker? That means that the responsible Americans who report suspicious behavior and who will report suspicious behavior in the future no longer have the threat of a lawsuit hanging over their head.

This legislation is already making Americans safer. It means that we can tell Americans that if they see something, they should report it. Our Founding Fathers envisioned it thus. The price of liberty is eternal vigilance. Americans should know that Republicans in Congress are standing behind the vigilant citizens and saying, ''I am John Doe.''

DEMOCRATIC ACCOMPLISHMENTS

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

Mrs. JONES of Ohio. Good Saturday morning. Here we are in the House, and I'm proud to be part of that great Democrat majority in the House of Representatives, and already this year we have passed major bipartisan legislation and won real victories on behalf of the American people.

For example, just last week, many American families received their first pay raise in a decade when the minimum wage increase passed earlier this year. Our Democratic majority also passed strong legislation last week to implement the 9/11 Commission's recommendations and make sure that America is protected from the threat of terrorism.

And this week, the House sent a sweeping lobby and ethics reform measure to the President. This landmark legislation provides the toughest ethics reform in a generation. It will go a long way towards returning this House to its rightful owners, the American people, not special interests.

Mr. Speaker, Democrats have worked very hard to make real progress on issues that are important to American families, and we're proud to be the Democratic majority.

RESTORE ORDER AND PROTECT TAXPAYERS

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

Mr. WILSON of South Carolina. Mr. Speaker, two nights ago, I joined over 160 Republicans in protesting an unfair power play by the majority. Democrats chose to overturn a vote that would have stopped American taxpayer dollars from being given to illegal aliens.

Republicans tried to amend a funding bill so illegal aliens did not receive Federal money under the legislation. Democrats had already extended taxpayer health insurance to illegal aliens. Republicans want to put a stop to this practice which will limit services to American citizens and benefit illegals who break our laws.

I have had the honor of legislative service for 23 years in the State Senate and Congress, and I have never seen such an abuse of parliamentary rules. Republicans support strong border security and not new benefits for people who break the law.

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

LET THE PEOPLE'S VOICE BE HEARD IN THE PEOPLE'S HOUSE

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

Mr. SARBANES. Mr. Speaker, let the people's voice be heard in the people's House. That voice comes to us every day in letters and e-mails and phone calls from Americans all over this country.

In their stories, millions of Americans are telling us, millions of families with children are telling us that they're struggling to make ends meet every day. And that is why it is incomprehensible that in the richest Nation on Earth, in the year 2007, this President would even threaten to veto the Children's Health Insurance Program, which guarantees health care coverage for America's children.

Mr. Speaker, it only takes 1 minute to convey the hopes and dreams of the American people. They don't want the moon. They don't want the stars. They want a decent life, a healthy life, a life with dignity, and a future for their children. We're trying to make that happen here. We ask the President to do the same.

HONORING SERGEANT JACOB SCHMUECKER

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

Mr. FORTENBERRY. Mr. Speaker, on July 21, Sergeant Jacob Schmuecker was killed in Balad, Iraq, when a roadside bomb detonated near his vehicle. Jacob leaves behind his wife and their children, 4-year-old Dillon, 3-year-old Kierstan, and 19-month-old Bryce, along with his parents, Rodney and Patricia, four brothers and three sisters.

Sergeant Jacob Schmuecker grew up in the Nebraska towns of Atkinson and Norfolk. He attended West Holt High School and Northeast Community College. He felt a calling to serve, and at the age of 21 enlisted in the Nebraska National Guard.

In September of 2006, Jacob's unit deployed to Iraq. Jacob, the recipient of numerous decorations for outstanding service, was second in command.

In speaking with Jacob's mother, Patty, last week, she told me that in Jacob's last e-mail he prayed, if something had to happen, that it would happen to him and not one of his fellow soldiers. Perhaps God answered Jacob's prayer. In the infinite mystery of life and death, what is clear is a life worthily lived is marked by selflessness and sacrifice.

Sergeant Jacob Schmuecker gave the ultimate sacrifice out of duty and love of country, and America is forever indebted to him.

DEMOCRATIC ACCOMPLISHMENTS

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

Mr. HARE. Mr. Speaker, the record of the Democratic Congress demonstrates that we are delivering positive change for the American people.

We began this week by enacting the toughest ethics reform in a generation. Lobbyists can no longer lavish Congress with gifts, pay for private jets or treat Members to fancy meals. Through honest leadership, we continue to move forward to address the real challenges facing America.

On Wednesday, we voted on the CHAMP Act, which strengthens the Child Health Insurance Program so that we can reach an additional 5 million children who are already eligible for that program. The CHAMP Act delivers real progress on health care, and its passage is vitally important.

Democrats also understand that a forward-looking progressive energy policy is essential to this country's future. To that end, we will vote today on an energy bill that moves us towards energy independence and fights global warming.

Mr. Speaker, during this week alone, the Democratic House will deliver on ethics reform, health care, and energy. We're moving forward on real solutions that will help the American people in their everyday lives.

DEMOCRATS' PATTERN OF ACTION

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

Mrs. BLACKBURN. Mr. Speaker, you know, to the Americans who are watching what is taking place on this floor over the past couple of days, it probably seems like a story nightmare, what is up is down, what is down is up; 215 is assumed to be less than 213. There you go. And I do think that Thursday night's vote is still going to continue to be one of those actions of disgrace when we talk about the history of this House.

But, Mr. Speaker, it is a pattern of action that we see. They are for tax increases. They voted for the single largest tax increase in history, they did

that on March 29th, for personal earmarks, and then admitting that they're putting earmarks in legislation to buy votes. That is taking place. Oh, and hiding those earmarks in slush funds. We forgot about that one.

Record spending. Never in the history of the world has a legislative body spent as much money as this body is spending under Democrat control. $193 billion in cuts to Medicare, inflicting that on our senior citizens, and yes, fixing that vote to give illegal immigrants benefits, shelter, food, paychecks, putting them before the American people.

We will continue to fight for freedom and stand for security.

□ 0915

INTRANSIGENCE CAUSES TRAGEDY

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

Mr. DEFAZIO. Mr. Speaker, listeners should know that, unfortunately, truthfulness is not required on the floor of the House of Representatives under the rules.

It is not truthful that somehow we are extending benefits to illegal aliens. That is against the law of the United States. It is statute.

It is not truthful that we have enacted the largest tax increase in history. That is the attitude that brought about the bridge collapse in Minnesota. President Bush told us we couldn't have a penny more to invest in the infrastructure of this country, even though we knew the bridges were crumbling. The Democrats had a list of all the insufficient bridges in the country. But the President said, no, we can't afford it. Not a penny more.

Do you know what it would cost to catch up with our bridge problem over the next 20 years? We would have to invest a lot of money, an incredible amount of money. Two weeks in Iraq every year is what it would take to fix the bridge problem in the United States of America.

Mr. Speaker, the Republicans are stonewalling us on a reasonable plan to get out of Iraq, and they are stonewalling us on more money to fix our infrastructure problems. People are dying in Iraq, and they are dying in America because of their intransigence.

ACTIONS SPEAK LOUDER THAN WORDS

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

Mr. WESTMORELAND. Mr. Speaker, my mama always told me that your actions speak louder than your words. I am sure many of your mothers have told you that your actions will speak louder than your words.

Let me just read you some words. This comes from Speaker PELOSI. ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer as alternatives including a substitute.'' What? Whoa.

''We intend to have a Rules Committee that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' The majority leader STENY HOYER. What? Whoa.

''I want us to work together,'' Mrs. SLAUGHTER, Rules Committee chairwoman. What? Whoa.

''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.'' Speaker PELOSI. What? Whoa.

''Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.'' Whut? Whoa.

Mr. Speaker, we need to let our actions match our words.

PROVIDING FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT, AND FOR CONSIDERATION OF H.R. 2776, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 615 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 615

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours, with 15 minutes equally divided and controlled by the chairman and ranking minority member of each of the Committees on Energy and Commerce, Natural Resources, Science and Technology, Transportation and Infrastructure, Education and Labor, Foreign Affairs, Small Business, and Oversight and Government Reform. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 3221, the Clerk shall—

(1) add the text of H.R. 2776, as passed by the House, as new matter at the end of H.R. 3221;

(2) conform the title of H.R. 3221 to reflect the addition of the text of H.R. 2776 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform cross-references and provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2776 to the engrossment of H.R. 3221, H.R. 2776 shall be laid on the table.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is in session on a Saturday, a rare event. And why we do that, of course, is to finish up the work that is the culmination of the efforts of our committees that have then brought legislation to us to consider.

In this past week, we passed important legislation on employment discrimination, fair pay, an Iraq planning bill, Agriculture appropriations, and, very important, critical, actually, a children's health care bill.

Today, we are here to continue the business at hand, and that is to turn a new course for an energy future in this country that meets the needs and demands of the 21st century for a pro-jobs, pro-growth, pro-high-tech approach to solving our environmental challenges and our energy security issues.

H. Res. 615 provides a single rule for consideration of H.R. 3221, the New Direction For Energy Independence, National Security, and Consumer Protection Act and H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007. This will be a single rule. The rule provides a structured rule for H.R. 3221. It provides a closed rule as is customary in tax matters on H.R. 2776.

Today's legislation is about energy independence and creating a new economy around facing directly the energy and environmental challenges before this country.

This year more than a dozen of our committees began the challenging task of drafting energy legislation that, in a wide array of jurisdictions, can challenge the growing energy crisis. I certainly commend all of the committee Chairs, all of the Members on both sides of the aisle, particularly the long-term efforts of men like Chairman DINGELL, Chairman RANGEL, Chairman WAXMAN and others who have presented to us for the consideration of the whole body this comprehensive package of energy legislation.

Early in January, as you remember, the House passed H.R. 6. That repealed nearly $14 billion that were tax breaks granted to oil companies. Those tax breaks have been granted to oil companies at a time when they had record profits of $125 billion.

Mr. Speaker, this House has made a different decision. What we have done is decided to repeal those tax cuts and invest that money instead in projects that are critical for renewable energy and energy efficiency incentives. This bill will provide long-term incentives for the development of renewable energy, and it will set the stage for a growing industry that requires investment in order to thrive.

One of the debates that we have been having is this: If we undertake the challenge of energy independence, will that harm our economy? This bill says that will promote our economy and create good jobs. We have seen across this country, in every State, entrepreneurs taking on the challenge of energy efficiency and energy efficiency in new technologies.

To give an example, in my own State of Vermont, we have a small company that began about 20 years ago, Energy Systems in Heinsberg, Vermont. They began developing technologies to help measure wind velocity for purposes of determining the feasibility of wind energy. It has emerged as one of our most prosperous businesses, creates good jobs, high-paying jobs, and it has been very beneficial to the economy of the State of Vermont, all-clean jobs, all-clean energy.

That example has been replicated across this country. This bill promotes that effort. The idea here in this legislation is very simple: If we make a commitment now to investing in our energy future, we can have that pro-growth, pro-high-tech, pro-environment economy. We can reduce our dependence on foreign oil, and we can protect our environment.

One of the potential opportunities that we have is the expansion of renewable energy development through carbon offsets. If that is going to be successful, it requires that these carbon offsets meet standards that are real, that are additional, verifiable and enforceable.

This legislation presented by the Oversight and Government Reform Committee is going to allow us to put in place that methodology to help us offset our carbon emissions and create jobs in clean energy future.

There are many other parts of this legislation, since we have had 12 committees that have been involved: the Renewable Energy Worker Training Program, to help create a workforce of green jobs; the $2.5 billion investment to help rural communities, farmers and small businesses by reducing their energy costs through efficiency; the new efficiency standards for appliances, which require more efficient lighting and promotes green buildings in the public and private sector; and, of course, we have an effort under way here in Congress to green the Capitol and offset our carbon footprint by the year 2030. That is, at this stage, a bipartisan effort reflecting the mutual commitment to use less rather than more.

□ 0930

The committee has done a very good job in crafting a bill that we can be proud to support. It doesn't do everything. The CAFE standards are not a part of this, as that continues to be a debate. Renewable electricity standards are something that the body will be able to consider in an amendment that has been made in order.

But, taken together, all of the components of this bill mark a very serious and perhaps seminal change in the approach by this Congress towards energy, moving away from our excessive dependence on fossil fuels and moving towards a self-sustaining renewable energy future.

I look forward to working with my colleagues to finishing the job that we have started here today.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I would like to thank my friend, the gentleman from Vermont (Mr. WELCH) for the time.

Mr. Speaker, last night, the majority on the Rules Committee passed a rule that in an extreme fashion limits debate on our national energy policy. The rule only allows for debate on 23 amendments to H.R. 3221, out of 106 amendments sought to be debated by Members of both parties in this House. And out of those 23 amendments made in order, only five are Republican amendments.

What is even more unfortunate is that in the same rule they completely shut out both Republicans and Democrats from offering any amendments to H.R. 2776. Between the two bills, Mr. Speaker, a total of 94 amendments were prohibited from being considered by this House. And to add insult to injury, the majority also denied the minority the opportunity to offer a substitute.

Mr. Speaker, I would like to refresh the majority of a campaign promise they made. The distinguished Speaker said, ''Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority a right to offer its alternatives, including a substitute.''

They promised openness. They promised bipartisanship. Some openness. Some bipartisanship.

Mr. Speaker, everyone in this body, I firmly believe, seeks to leave our children and grandchildren a better world in which to live. This great Nation has made great strides in protecting human health and the environment, but clearly we can do more.

From 2001 to 2006, Republican-led Congresses invested nearly $12 billion to develop cleaner, cheaper and more reliable domestic renewable energy sources. This includes sources such as cellulosic ethanol, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies. But we must always keep in mind that alternative fuels will not eliminate the need for traditional energy sources, and, without additional supply, the tight market conditions that have put pressure on prices are going to persist.

Mr. Speaker, that is something that I must say our friends on the other side of the aisle seem to not grasp. Ignoring this lesson will result in our continued dependence on foreign supplies, using U.S. dollars to line the pockets of thugs and dictators like Chavez in Venezuela as he spreads anti-American

propaganda and actions throughout this hemisphere and the world.

I am pleased, Mr. Speaker, by inclusion of the production tax credit in H.R. 2776. That PTC provides a tax credit for electricity produced from renewable energy facilities. Sources such as wind, solar and biomass are included under the tax credit.

Since its enactment in 1992, the credit has encouraged the development of thousands of megawatts of clean, renewable electric generation facilities. Florida, for example, Mr. Speaker, is home to Florida Power & Light, owner and operator of two of the largest solar projects in the world and the Nation's largest wind energy company. Because of the long-term commitment to renewable energies by this Congress, companies like FPL have made significant, needed investments to advance non-emitting forms of energy, and that is the kind of work that we must continue.

Now, the majority, Mr. Speaker, promised that it would run the House in an open and bipartisan manner. If this is an open and bipartisan process, I would hate to see a closed one. Later today I fear the majority will break precedent again and come to the floor to close the open amendment process on the Department of Defense appropriations bill as well.

Mr. Speaker, this has been a difficult week for both sides of the aisle, but moving forward with restrictive rules such as this on important issues only makes matters worse. It is most unwise, as well as unfortunate.

This rule is unnecessarily unfair and should be soundly defeated.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much. I rise in support of this rule.

Mr. Speaker, this rule today lays the framework for a historic debate, a debate that will talk about the energy future of the United States of America, an agenda that has not been discussed out here on the House floor, although there has been a pent-up demand by the American people that we move to this new renewable energy agenda for the 21st century.

Climate change has now become a problem, not only for the United States, but for the whole world. We must be the leader.

In 1986, we imported 27 percent of our oil. Today, we import 61 percent of our oil. Today, we begin the effort to turn that around, to unleash the entrepreneurial spirit of our country, to unleash a technological revolution that can capture the solar, capture the wind, capture the cellulosic future for our country; make our country more efficient, have the devices which we use to consume energy infinitely more efficient. That is the debate that we have been missing here in America, and today we begin that debate here on the House floor.

This is what the American people want. This is what the world has been waiting for, a debate on the energy future of the United States; unleashing its technological genius, and as a result, making it possible for the rest of the world to gain access to these technologies.

This is the day, and we have to be the leaders. This rule is now constructed in a way in which we can begin the debate.

Mr. Speaker, I urge passage of the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is a privilege to yield 3 minutes to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise to oppose the rule that is bringing this legislation to the floor today, because what we have is 768 pages of a bill, H.R. 3221, and, guess what, it doesn't do a thing about producing one drop of energy. It does not get the price down at the pump.

And that is what the American people continue to ask us, what are you going to do about high home heating bills? What are you going to do about the price at the pump? And, yes, indeed, as my esteemed colleague just said, alternatives are important. Looking to the future is important. R&D, all of that. We have to have emphasis there.

But at the same time, we have to realize production, American production and American solutions are important to this debate, and we have got 768 pages that do not put the emphasis on American production to address this.

What we do have is increased regulation. We have got a section in this bill that would put the Federal Government more into the process by which States develop and enforce their own building codes.

Regulation is not going to get us to further conservation. We know that efficiency is important. We know that conservation is important. But we also know if you overregulate and if you overtax, you are going to be killing jobs.

We know for a fact that if you get in here and you tax something more, you are going to get less of it. If you incentivize it, you are going to get more of it. The American people want to see the price down at the pump. That is not what they are going to see in this bill that is brought before us today.

Conservation and efficiency is important. It is not the total answer, and we are missing a great opportunity to incentivize American production of American fuels that will move us towards energy independence. We are not doing that with this legislation.

In the portion of this that deals with the tax, one of the things that we have seen happen here is that we have more taxes. They put cigar taxes in place. They put health insurance taxes in place.

I tell you, this new majority, if it is moving, if it is shaking, if it is waving in the wind, they are going to tax it, because they need money to pay for the programs that they are putting on the books. And it is the American taxpayer that is paying more at the pump that is watching their gas tax go up. They are watching cigarette and cigar taxes go up. When they get their statement for their health insurance, they are going to see a tax on that, because they had to find a way to pay for all these new programs.

Mr. Speaker, they are just addicted to putting a tax on everything that is moving. We are seeing the same thing take place in this lack-of-energy bill that is brought before us today.

Mr. WELCH of Vermont. Mr. Speaker, I reserve my time until the gentleman has closed for his side and has yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time it is my privilege to yield 5 minutes to the gentleman from Texas (Mr. BARTON), the distinguished ranking member of the Energy and Commerce Committee.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. BARTON of Texas. Mr. Speaker, before I get into my comments on the substance of the rule, I want to put to rest a rumor. My good friend Mr. MARKEY is hobbling around on crutches. My good friend Chairman DINGELL is also hobbling around on crutches. It is not because of anything the Republicans have done on the Energy and Commerce Committee. We actually like each other. It is just one of those years I guess for being in the majority and the burdens of leadership, is all I can say.

We have a rule before us today on an energy bill. There is not a lot you can say positive about it except that it is a rule. It is a modified closed rule. There are some amendments made in order. There is not a substitute made in order.

Now, somewhere I have a press release from the chairwoman of the Rules Committee, the distinguished Congresswoman SLAUGHTER of New York, and I also have a press release from the distinguished Speaker, Speaker PELOSI of California, and they were talking about an open process, and when we had major bills on the floor, that it would be normal procedure for the minority to have a substitute.

So we took them at their word. DENNY HASTERT, the former Speaker, and myself and RALPH HALL, the ranking member of the Science Committee, and DON YOUNG, the ranking member of the Resources Committee, and Mr. MICA, the ranking member of the Transportation Committee, we prepared a comprehensive alternative substitute. We took it to the Rules Committee. We asked that it be made in order.

Chairman DINGELL of the Energy and Commerce Committee supported that it be made in order. The subcommittee chairman, RICK BOUCHER of the Energy and Air Quality Subcommittee, to their credit, said that it should be in order. It is not in order.

□ 0945

So you have an energy bill before you that doesn't have any energy. Nothing on coal to liquids, nothing on alternative fuels, nothing on oil and gas. There is a little bit of a cleanup section on loan guarantees for nuclear power plants, but that is kind of offset because you have to use Davis-Bacon to build them now.

So, all in all, what we have got is a big bill. Congresswoman BLACKBURN pointed it out and held it up. But it is kind of a where-is-the-energy energy bill. If they had just made our substitute in order, you would have had a chance to actually have a bipartisan coalition come together on energy.

There is a majority on the House floor on both sides of the aisle for a comprehensive energy package. We put it together in the last Congress, ''we'' being JOHN DINGELL and JOE BARTON and others. We had an energy conference report that is now law that almost all of the Republicans voted for and almost half of the Democrats. Chairman DINGELL signed the conference report, as did several other Democrats who are now chairmen and subcommittee chairmen in this Congress.

So if you want lower gasoline prices, if you want more refineries built, if you want LNG facilities sited, if you really want to see alternative fuels jump-started in this country, don't look in that bill that we are going to vote on because of this rule. We will send you a copy of the Republican substitute which isn't going to be considered, and you will find all of those things in our substitute.

I would hope that we could vote ''no'' on the rule, send it back to the Rules Committee, make in order the substitute, come out on a bipartisan fashion and actually vote on a comprehensive energy package.

What is in the bill is mandatory building codes preempting the States, something called green energy which is good in concept but which would require every building in this country by 2050 be a consumer on a net basis of zero energy, regardless of the cost; a preemption of building codes for manufactured housing which will probably put the manufactured housing business out of business in this country. And, oh, yes, if you are a small mom-and-pop air conditioner repairman, you are probably going to be put out of business, too, because there is a standards section on appliance standards which requires more efficient, which is not a bad idea in concept of air conditioning, which is probably going to be very difficult to implement and put at risk many, many of our small mom-and-pop air conditioning repair businesses in this country.

So what you have is no comprehensive energy package. Instead, you get a Federal Government, big brother, preempt the States, preempt the local governments on building codes and telling people what kind of light bulbs to use and what kind of air conditioners to use.

This is not my grandfather's energy package. Please vote ''no'' on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague for yielding.

A major component of the Democrats' energy legislation and the Democrats' answer to our energy crisis is, hold on, wait one minute, wait one minute, it is promoting the use of the bicycle. Oh, I cannot make this stuff up. Yes, the American people have heard this. Their answer to our fuel crisis, the crisis at the pumps, is: Ride a bike.

Democrats believe that using taxpayer funds in this bill to the tune of $1 million a year should be devoted to the principle of: ''Save energy, ride a bike.'' Some might argue that depending on bicycles to solve our energy crisis is naive, perhaps ridiculous. Some might even say Congress should use this energy legislation to create new energy, bring new nuclear power plants on line, use clean coal technology, energy exploration, but no, no. They want to tell the American people, stop driving, ride a bike. This is absolutely amazing.

Apparently, the Democrats believe that the miracle on two wheels that we know as a bicycle will end our dependence on foreign oil. I cannot make this stuff up. It is absolutely amazing.

Ladies and gentlemen, I bring you the Democrats, promoting 19th century solutions to 21st century problems. If you don't like it, ride a bike. If you don't like the price at the pumps, ride a bike.

Stay tuned for the next big idea for the Democrats: Improving energy efficiency by the horse and buggy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 30 seconds to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from Florida for yielding.

I want to read one thing. ''Every person has a right to have his or her voice heard, respectful of both the wishes of the Founders and the expectations of the American people. We offer the following principles for restoring democracy in the people's House, guaranteeing that the voices of all the people are heard.'' That quote is from Speaker NANCY PELOSI; yet the Republican substitute to this bill was not allowed.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELCH of Vermont. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are requested. Those favoring the yeas and nays will please rise.

The Chair is counting for the yeas and nays.

Mr. WELCH of Vermont. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. A quorum is not required for an affirmative vote on a motion to adjourn.

The Chair is counting for the yeas and nays.

A sufficient number having risen, the yeas and nays are ordered.

Members will record their votes by electronic device.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary Inquiry.

The SPEAKER pro tempore. The gentleman is recognized for a parliamentary inquiry.

Mr. WESTMORELAND. Could the Speaker tell me what the magic number was that rose in order to get a vote?

The SPEAKER pro tempore. The Chair's count is not subject to challenge. The Chair counted one-fifth of those present standing.

The vote was taken by electronic device, and there were—yeas 136, nays 246, not voting 50, as follows:

[Roll No. 824]

YEAS—136

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
King (NY)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
Lucas
Manzullo
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Wilson (SC)
Wolf
Young (FL)

NAYS—246

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Gallegly
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Kuhl (NY)
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—50

Abercrombie
Bachmann
Bono
Carson
Clarke
Clay
Coble
Costa
Crenshaw
Cubin
Culberson
Cummings
Davis, Jo Ann
Doolittle
Ellison
Emerson
Engel
Fortenberry
Goode
Hastert
Hayes
Hinchey
Hinojosa
Johnson, Sam
Kaptur
Klein (FL)
Kline (MN)
Kucinich
LaHood
Langevin
Mack
Marchant
McCaul (TX)
McMorris Rodgers
Mollohan
Oberstar
Paul
Pence
Radanovich
Rangel
Renzi
Ruppersberger
Saxton
Skelton
Souder
Waxman
Weldon (FL)
Whitfield
Wicker
Young (AK)

□ 1016

Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. GALLEGLY, Mr. RUSH and Ms. DELAURO changed their vote from ''yea'' to ''nay.''

Mr. SMITH of Nebraska and Mr. TURNER changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT, AND FOR CONSIDERATION OF H.R. 2776, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise in opposition to the rule and the underlying bill with its tax provisions. I think it's time that we level with the American public about this and be truthful about what we are trying to accomplish here. This bill has some good things in it, but it's not really addressing what we really need to be focused on right now. That is, the strategic management of our dependence over fossil fuels for the next 10 to 15 years as we transition.

We need to manage our strategic dependence on fossil fuels, a strategic dependence that we are going to have for the next 10, 15, maybe 20 years as these new technologies develop. Now, what does this bill do? It taxes U.S. companies working on production of oil, and making these companies less productive and less competitive, therefore, shifting more oil and gas activity into the hands of national oil companies that are not our friends. This will not bring down the price of oil and gas and not alleviate our energy concerns.

Secondly, it abrogates leases, very important leases in the Gulf of Mexico, with the stroke of a pen. Now, that's not the American way. That's not something that we would be proud of in this country, not something the American people would be proud of. It's certainly something that Hugo Chavez would be proud of.

Finally, I will say this bill is not technology neutral. It seeks to pick winners and losers and eliminates some very promising technology for alternatives fuels.

For that reason and many other reasons, I oppose this bill. I oppose the underlying bill with its tax provisions and urge all Members to think twice about this. We have to level with the American people about the energy situation and manage our strategic dependence and not deal with fantasy.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding.

Mr. Speaker, I attempted to offer an amendment to H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, to prevent possible waste and maintain appropriate management of our government expenses. The Energy Policy Act of 2005 requires the Secretary of Energy to contract with the National Academy of Public Administration to conduct a study for assessing management practices for research, development and demonstration programs at the Department.

My amendment would simply prohibit funds in the bill to the Advanced Research Projects Agency, or ARPA–E, within the Department of Energy, until the study has been completed and it makes a recommendation that we do establish ARPA–E.

However, the Rules Committee would not accommodate my amendment and refused to make it in order. Without this amendment, we are shooting in the dark. We are authorizing $300 million for fiscal year 2008 that may not be necessary. This is not a good way to manage the people's tax money. If the majority is going to gamble like this, we might as well put the whole Federal Treasury on green double zero and just hope for the best.

I have another concern, and that's about a new portfolio standard. The renewable portfolio standard in this bill calls for 20 percent renewable by the year 2020, and it will not include any nuclear.

Well, the Southern Company, in my district, provides about 12 to 15 percent of their power by nuclear, but, yet, that cannot be included as a renewable. So we are projecting a wind farm off the coast of Georgia bigger than Cape Wind in Massachusetts, and that would only produce 1 percent toward this renewable standard. It's almost an impossible standard to meet, if you do not let us include nuclear as a renewable source, which, surely, it is. Basically, the compliance penalty for not meeting this standard, for the Southern Company in my district, would be $745 million.

This legislation is nothing more than a backhanded attempt to ease our Nation into a carbon trade scheme, and it victimizes Georgia by making us a donor State.

I ask my colleagues to vote down this rule and vote against the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, as the ranking member of the Ways and Means committee, I have tried my best to work with Chairman RANGEL to engender an atmosphere in our committee of comity, an atmosphere that engenders respect for one another's views, and to engender an atmosphere in which we can fully explore and debate and discuss issues.

We have very talented members on both sides of the aisle on the Ways and Means Committee, and we are not afraid to discuss issues and to debate differences that we have in those issues. It's a great committee.

I gave a letter to the Rules Committee citing 24 instances just since the year 2000 where on tax bills when we were in the majority we gave the minority the chance to offer a substitute, an amendment in the nature of a substitute.

Tax bills are always closed to amendments. We don't just allow willy-nilly amendments to tax bills, for good reason. But we almost always offer the minority an amendment in the nature of a substitute.

I am not pleased that the Rules Committee, and I suppose with the consent of the chairman, did not offer us an amendment in the nature of a substitute.

Vote against this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr SHIMKUS. Mr. Speaker, this rule is a joke. It does nothing for supply. No renewable fuel standard, no alternative fuel standard, 7 minutes for debate by the minority side on energy policy in this country. Are you crazy?

Coal. Take it down then, take it down, if you want. This is coal, our largest resource in this country, to help decrease our reliance on imported crude oil. What will it do for the economy? Coal-to-liquid, 1,000 jobs, 2,500 construction jobs, 15 million tons of coal, up to 500 coal-mining jobs. You all say no.

What's it do for our national security, coal, to coal-to-liquid refinery, to pipelines to fuel our Air Force? Our Air Force is demanding liquified gasoline moved into jet fuel to decrease our reliance on important crude oil, and you guys won't bring up an energy bill? Shame on you.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, as a former member of the Air Resources Board in the State of California and working on air pollution issues for decades, I was looking at the text that said this bill was going to move America forward.

This text is not moving America forward; it's moving us back to a 1970's agenda. This agenda is the same agenda we had in the environmental community in the 1970s. In the 1970s, we were doing the best we could then. But this is the best America can expect from this Congress, is 30-year-old ideas that have been proven false, and the example, this bill is going to pick winners and losers in the industry.

It is going to mandate not only the inclusion of poisons in our gasoline in places like California where in 1992 we warned you about MTBE, we warned you that ethanol was going to cause problems, but this place was bought off by special interest groups that claimed to be environmentally sensitive and forced MTBE into the fuel of America.

Later, when you realized we were right, you said, sorry. Just last, a few months ago, Harvard came out with another study about ethanol. All we are asking is, don't mandate that this poison is put in the fuel.

If you can't believe CARB, then why are the States around the north using our standards at CARB to clean up the environment? Look before you leap, but this technology that we are talking about doesn't even include zero mission generators like high pressure gas reactors, doesn't include.

The only way we are going to beat greenhouse gases is to go nuclear, but you don't have the political guts to look our friends in the eye and say we have got to move beyond the 1970s. We have got to move forward. We have got to be willing to do what is right for the environment.

If that tells Archer Daniels Midland or the extreme wackos who are always going to be against nuclear that, sorry, guys, the environment comes first, if you don't have the guts to do that, don't claim this is a green proposal. 1970 cars are polluting and wasteful. This bill is polluting and wasteful.

□ 1030

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking Members to defeat the previous question so that I may amend the rule to provide for the adoption of H. Res. 622, a resolution introduced by Mr. BLUNT to correct the injustice done to all Members of this House on August 2, 2007.

As my colleagues know, the majority engaged in a manipulation of the vote on the motion to recommit the Agriculture appropriations bill to reverse the outcome.

If we defeat the previous question, the resolution will direct the Clerk to retrieve the Agriculture appropriations bill from the Senate, add in the amendments that should have been included in the bill, and return the bill to the Senate.

While we took the important step yesterday to establish a select committee to investigate the reasons why this injustice occurred, the Agriculture appropriations bill will continue through the legislative process well before the select committee's final report is complete; meaning that we must act now to correct this injustice.

I ask my colleagues to support me in defeating the previous question and righting this wrong.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed just prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 1 minute to the distinguished ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Democrats and Republicans alike have decried what took place late last Thursday night. This previous question which we are about to vote upon would allow the Democrats to erase the most unsightly of blemishes on the already tarnished record that we witnessed governing this institution. It would allow us as a body to heal, and to give democracy an opportunity to once again flourish in this hallowed institution. Mr. Speaker, this previous question vote will in fact give us as a body the opportunity to heal. I urge my colleagues to join with Mr. DIAZ-BALART in voting ''no'' on the previous question so we can rectify this wrong.

I thank my friend for yielding.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I urge all of our colleagues in a responsible manner, realizing the historic importance of what has transpired this week, to defeat the previous question, allow this wrong to be righted, to defeat the previous question and defeat also this unfair rule.

I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, there are two points I would like to make, one about the rule and one about the process.

I served 13 years in the Vermont State Senate, a small body, 30 members, sometimes in the minority, sometimes in the majority; and we had fierce fights about issues of enormous public concern, tax policy, environmental policy. In all of the time that I served in that State Senate, winning fights, but losing as many as I won, I never, ever saw the other side leave on an appropriations vote. Never. When you lose, you get up and you fight another day. That is what we learned. That is what all of us have learned.

There is a use of process here that has an effect of avoiding discussing substantive issues that are really of vital concern to the people of this country and the people that we represent. None of us can certify that the position we take at any given moment

is guaranteed to be the right one. We have to debate that, we have to listen to the other side. But we don't stop listening when it comes to our final decision, the ultimate responsibility that we have been given by the people who have elected us to stand in this well and to vote ''yes'' or ''no'' and to accept accountability for the ''yes'' or ''no'' vote that we take.

I do not understand, Mr. Speaker, walking out on a vote, most importantly, one involving appropriations for rural America. I don't understand the excessive use of motions to adjourn when it has no purpose, no purpose whatsoever other than to bring down the respect that the American people should have in this institution. I don't understand that. Maybe in time I will.

This bill brought forth by this rule is going the allow America to have a new debate on energy. It is that simple. The old approach on energy has been oil and fossil fuels. It has had a place and will have a place, to be sure. But the question is, are we going to continue with the public policy of this country, with subsidies as we have for mature industries like oil and nuclear, which in the 2005 legislation received $15 billion in taxpayer subsidies. That is real money from real Americans. Yet, as that happens, global warming expands, the price of gasoline increases. It is a dead-end policy, Mr. Speaker.

And the question that is going to be raised in this legislation for the decision of each and every one of us is whether we are going to turn a page on the old energy policy to a new one that is going to allow efficiency to matter. Using less, not more, saves money. The efficiency provisions in this bill will save tax ratepayers $300 billion. Whether we are going to use the power of tax incentives, a tax incentive budget to unleash the entrepreneurial skills, the engineering skills of people across this country in local communities, to harness wind, solar, renewable sources of energy, whether we are going to unleash the opportunity to create 3 million new jobs.

Let me say this: for all the good that is done by some of the energy policies that we have had, let's make the acknowledgment that there are many good things out there, every time a consumer in a local area, my town of Hartland, pays the light bill, most of the time that dollar that I pay gets sent hundreds, if not thousands, of miles away to a generator. And what we are trying to do in our State, what we are trying to do in many other States around the country is to have an energy policy that is going to allow consumers to spend their money locally so that the repair person that was mentioned that fixes the air conditioners, more of those people are going to have jobs. Every dollar that we keep in our local economy is strengthening our local economy.

Energy efficiency, renewable energy is about creating jobs, not just improving and cleaning out the environment. It is about independence and strengthening of local communities, not just shipping local money to faraway corporations.

Mr. Speaker, if we needed any wake-up call about why we have to turn a page and move in a new direction, it is in this morning's newspaper report about Toyota. Let me just read one paragraph:

''Booming sales of fuel efficient cars helped lift Toyota to its biggest quarterly profit ever, and kept the maker of Prius Hybrid on pace to pass General Motors as the world's number one automaker.''

That is not good news for us. What is good news for us is that we accept the challenge that is there, not run from it.

Mr. Speaker, I urge a ''yes'' vote on this rule and support this underlying legislation.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 615 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution insert the following new Sections:

SEC. 5. Upon adoption of this resolution, House Resolution 622 is hereby adopted.

Mr. WELCH of Vermont. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 186, not voting 26, as follows:

[Roll No. 825]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Bachmann
Boyda (KS)
Carson
Clarke
Clay
Coble
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Hastert
Hayes
Hinojosa
Inglis (SC)
Jindal
Johnson, Sam
Klein (FL)
Kline (MN)
Kucinich
LaHood
Oberstar
Paul
Radanovich
Saxton
Skelton
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes are remaining in this vote.

□ 1058

Ms. GRANGER changed her vote from ''yea'' to ''nay.''

Mr. DEFAZIO changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 191, not voting 26, as follows:

[Roll No. 826]

YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Bachmann
Carson
Clarke
Clay
Coble
Crenshaw
Cubin
Davis, Jo Ann
Ellison
Everett
Feeney
Hastert
Hayes
Jefferson
Jindal
Johnson, Sam
Klein (FL)
Kline (MN)
Kucinich
LaHood
Marshall
Oberstar
Paul
Radanovich
Saxton
Skelton

□ 1107

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in the vote.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ELLISON. Madam Speaker, on the morning of August 4, 2007, I was back in Minneapolis surveying the damage from the tragic collapse of the Interstate 35W bridge with President Bush and missed rollcall votes 824 to 826. Had I been present, I would have voted ''nay'' on rollcall No. 824; I would have voted ''yea'' on rollcall No. 825; and I would have voted ''yea'' on rollcall No. 826.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U. S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 3, 2007, at 10:15 pm:

That the Senate passed with an amendment H.R. 3311.

That the Senate passed S. 1927.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 615 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3221.

□ 1109

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, with Mr. OBEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 2 hours, with 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committees on Energy and Commerce, Natural Resources, Science and Technology, Transportation and Infrastructure, Education and Labor, Foreign Affairs, Small Business, and Oversight and Government Reform.

The gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Alaska (Mr. YOUNG), the gentleman from Tennessee (Mr. GORDON), the gentleman from Texas (Mr. HALL), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. LANTOS), the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Ohio (Mr. CHABOT), the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 7½ minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I thank the Chair.

At this time, I yield 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the distinguished chairman for yielding time.

Mr. Chairman, today we have an historic opportunity in the House of Representatives. Today we are faced with a momentous decision on energy and global warming. With this bill, we are turning toward the future for the sake of our children and our planet. With this bill, the New Direction for Energy Independence, National Security, and Consumer Protection Act, Congress can indeed take our Nation in a new direction. This is a moment when we can make a decision in favor of the future.

Mr. Chairman, you acknowledged all of the chairmen and chairwomen who have contributed to the success of this legislation that we are bringing forward today, and I want to commend all of them. I want to say that the principles that have been put into this legislation are very important. Our energy independence is a national security issue. It is an economic issue for our country and for America's families. It is an environmental health issue for our children. And it is a moral issue. This beautiful planet is God's gift to us. We have a moral responsibility to preserve it. That is why I am so pleased that so many in the religious community are supporting our actions today.

This bill makes the largest investment in homegrown biofuels in American history. We know that America's farmers will fuel America's independence. We will send our energy dollars to middle America, not to the Middle East.

□ 1115

The bill promotes cleaner and efficient means of transportation, including alternative fuels in busses and ferries and hybrid automobiles in hauling goods around the country.

I have a very long statement about this bill, I'm very enthusiastic about it, and I will use that enthusiasm to submit most of my statement for the RECORD.

But I do want to acknowledge the important work that Mr. DINGELL did on this legislation because in his bill, renewable energy offers a new direction for our country. And what he does is, 10.4 billion tons of dioxide emissions are reduced. That's more emissions than are used by all of the cars on America's highways today. It's very important. And I want to thank Mr. RANGEL, who we will hear from later, on the fact that this bill is paid for.

So it's about our national security. We cannot be dependent on foreign oil. As I said, this is God's creation. This issue is as local as our neighborhoods; it is as global as the planet. It is about how we educate our children in this new green economy. It's how we create jobs. And Congressman MILLER and Congresswoman SOLIS will be talking about that in a moment.

The Prophet Isaiah has said, Mr. Chairman, that ''to minister to the needs of God's creation is an act of worship. To ignore that is to dishonor the God who made us.'' I firmly believe from the bottom of my heart that if we do believe that, that we should pass this legislation today. It's about our children, their future, the world in which they live to fulfill their lives, and it's about America being number one and in the lead.

So I urge my colleagues, I promise to submit it for the RECORD if you promise to read it.

INTRO

My colleagues, today we are fced with a momentous decision on energy and global warming.

Will we turn toward the future, for the sake of our children and our planet? Or will we remain mired in the disputes and regional differences that have so often prevented the Congress from adopting new, innovative approaches to our energy needs?

With this bill, the ''New Direction for Energy Independence, National Security, and Consumer Protection Act,'' Congress can indeed take our nation in a New Direction.

Energy independence is a national security issue, and environmental and health issue, an economic issue, and a moral issue.

As it says in the Bible, ''To minister to the needs of God's creation is an act of worship, to ignore those needs is to dishonor the God who made us.''

This is the moment when we can make a decision in favor of the future, while ministering to the needs of God's creation.

ACKNOWLEDGEMENTS

Ten committees have been hard at work for months to develop this legislation, and I salute the leadership of our Chairmen. These committees have held extensive hearings and markups. The Appropriations Committee has also highlighted sustainable energy and global warming in their bills.

As a result, almost every Member of Congress has had the opportunity to participate in this process. Thank you all for your creativity and hard work.

PRINCIPLES

With broad input, and a commitment to the future, Congress has created this bill with four principles in mind. We must strengthen our national security by reducing our dependence on foreign oil; lower energy costs with greater efficiency, cleaner energy, and smarter technology; create new and good-paying American jobs, and reduce global warming.

And we must do it all in a fiscally sound way.

To fund these key investments in our future, we have demanded greater accountability to the taxpayer from oil and gas companies that drill on Federal lands.

ENERGY INDEPENDENCE

This bill makes the largest investment in homegrown biofuels in American history. We know that America's farmers will fuel America's energy independence, creating jobs and prosperity across rural America.

This bill will send our energy dollars to middle America and coast to coast; not the Middle East.

This bill promotes cleaner and more efficient means of transportation, including alternative fuel buses and ferries, and hybrid locomotives for hauling goods around the country.

PROTECTING CONSUMERS

With the energy efficiency provisions in this legislation, we will lower costs for American consumers and businesses in key areas, such as electricity, home heating, and cooling—saving Americans more than *$300 billion dollars*.

With these energy efficiency measures, we will also reduce carbon dioxide emissions by as much as *10.4 billion tons through 2030*, more than the annual emissions of all the cars on the road in America today.

This bill is essential to developing renewable energy sources in America. It makes a strong commitment to research and innovation. It extends tax provisions that have provided a strong foundation for our renewable energy industries, provides new incentives, and bolsters research.

Renewable energy offers a new direction for our country by improving energy independence and reducing global warming.

JOBS

As we address energy independence and global warming with innovation and market-based solutions, we will grow our economy and create good paying jobs—including ''green-collar'' jobs.

Because small businesses are the backbone of our economy, this bill ensures small businesses can reap the economic benefits of new energy technologies.

GLOBAL WARMING

The consequences of global warming will be as local as our neighborhoods, and as broad as our entire planet. So too must our solutions be both local and global.

This bill lays out specific steps the Administration should take for the U.S. to resume a constructive role as the global leader in combating global warming.

Here at home, the Federal Government should lead by example. This bill requires the Federal Government to become carbon-neutral by the year 2050, and lays out a number of specific measures that will assist our government to achieve that goal.

States and local communities need to know how to plan for the global warming that is already underway. This bill reorganizes the federal climate change research, so every locality has information it needs to prepare.

It also assists us in tracking the effects of global warming on the oceans and wildlife so we can take steps to protect them.

CONCLUSION

Mr. Chairman, the legislation we debate today is just the ambitious first phase in what will be a series of revolutionary actions for energy independence.

But it is a very serious first step, that honors God's creation—our planet, and creates a better world for our children.

With confidence in American ingenuity and faith in our future, today we can declare a New Direction in our energy policy—one for our future generations. I urge my colleagues to do just that by supporting this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1½ minutes.

I want to thank the Speaker for speaking and endorsing and her participation in bringing this legislation together, but specifically, from our committee, the Education and Labor Committee, the matter that is dealing with green jobs.

And I want to thank Congresswoman HILDA SOLIS and Congressman JOHN TIERNEY for all of the work they did to create green jobs, both in our urban areas and in the rural areas, to build the expertise, to build the capital necessary to meet the demands of this legislation.

For too long, we have debated this issue as if it's the environment against economic growth and jobs. This legislation points to the fact, with the great support of labor unions in our country, that this is also about growing jobs here at home with new technologies, new industries, new innovation and new discovery. And I want to mention the support the Laborers International Union, Operating Engineers, the Brotherhood of Carpenters, the Boilermakers, the Steelworkers, and others. They participated in this joint effort to develop these green jobs provisions, building on very successful models across this country.

Again, I want to pay tribute to Congressman TIERNEY and Congresswoman SOLIS for their effort to pull together a coalition of people understanding the dynamics and the economic growth this can mean in both rural America and urban America to build the expertise, to build the talent, to build the job skills to deal with the new technologies that the other committees of jurisdiction are bringing forth.

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

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I am not a member of the Education and Workforce Committee, so I have a parliamentary inquiry. Are we on the Education and Workforce time at this time?

The CHAIRMAN. The committees may use the time in any order that they choose.

Mr. BARTON of Texas. My understanding on the rule was that we would go by committee, and the first committee would be Energy and Commerce, but Mr. MILLER is the chairman of the Education and Workforce Committee

The CHAIRMAN. If the gentleman would suspend, the rule does not stipulate the order.

Mr. BARTON of Texas. So, could the Chair indicate what the order is?

The CHAIRMAN. No.

Mr. BARTON of Texas. Well, Mr. Chairman, I would claim the time for the Education and Workforce Committee since the Education and Workforce Committee is not here.

The CHAIRMAN. The Chair will accommodate the committees in trying to use the time in whichever order they see fit. It is not at this point up to the Chair to decide.

Mr. BARTON of Texas. Mr. Chairman, when Mr. DINGELL uses Energy and Commerce time, then I will use Energy and Commerce time, but at this point in time I will reserve the time.

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise to highlight one aspect of the Energy bill that is before the House today, that's the provision essentially incorporating the Green Jobs Act of 2007, which had previously been passed by the House Committee on Education and Labor.

Let me begin by acknowledging and thanking Speaker PELOSI for making this issue, ''the green workforce development,'' a priority in her environmental agenda.

My cosponsor, HILDA SOLIS of California, is appreciated for her work in ensuring that a broad cross section of workers get in at the bottom floor of this growing industry.

This innovative proposal, ''green jobs,'' will make $120 million a year available across the country to begin training workers for jobs in the clean energy sector. 35,000 people per year can benefit from vocational education that will provide for them secure employment in this country.

Until now, the United States has not really had a coherent strategy to address the growing labor shortage and demands of these green and clean energy sectors. This bill, this particular provision, will help a broad cross section of workers get into these growing industries.

Green-collar jobs can provide living wages and upward mobility. For some, they will create a way out of poverty, even as they help improve our environment and buttress our national security by lessening reliance on foreign oil.

We've passed legislation to increase science, technology, engineering and math teachers, to educate more engineers and scientists. Now we have the chance to make sure that those who do not have degrees or do not choose to go to college can also support a family and contribute to their communities. Urban youth, retired veterans, struggling farmers, and displaced workers from our manufacturing sectors can all get training through this proposal.

They will help meet a growing labor need as America seeks thousands of green-collar workers to install millions of solar panels, to weatherize buildings and homes, to build and maintain wind farms, and more. These jobs are energy saving, air quality improving, and carbon cutting, and they're all local. They mostly cannot be outsourced to other countries. Solar panels and wind farms need to be built here. Buildings to be retrofitted to save energy have their foundations in U.S. soil.

Today, we can join Speaker PELOSI and the many numerous advocacy organizations that have worked hard to develop and expand the concept of green jobs, making sure that the benefits of a cleaner and greener economy are shared broadly at all income levels.

Special acknowledgement goes to the Ella Baker Center's Van Jones, whose passionate expressions have been liberally borrowed here and whose personal energy has greatly advanced this idea.

The return in energy savings helped by green jobs can be enormous. The positive impact on lives from rewarding employment can be priceless. Mr. Chairman, this provision of the clean energy bill can help provide America with the working muscle, practical experience and training, and industry-specific intelligence to change our Nation's future.

I urge my colleagues to support the entire bill, being mindful that the Green Jobs Act of 2007 contributes specifically to this appeal.

Mr. TIERNEY. I am going to reserve the balance of the Education Committee's time on this and defer to the Committee on Energy.

Mr. DINGELL. Mr. Chairman, I yield myself 1 minute.

The legislation here represents the work of 10 committees. In the portion of the legislation written by the Committee on Energy and Commerce, there is not a single provision that a Member would feel justified in opposing. The legislation from the Commerce Committee sets appliance standards for buildings and other devices and appliances which, when in full force, will save 10 million tons emissions of carbon dioxide, more than the annual emissions of every car in this country. It promotes the development of the Smart Electricity Grid that will deliver energy to a household in a more efficient manner. It paves the way for more efficient use of electricity and

will make innovations like plug-in hybrid vehicles even more promising.

It improves the loan guarantee programs to the Department of Energy, and it makes the largest investment in our history in biofuels, along with other things which will move forward and see to it that the infrastructure is there to provide the necessary service.

Some of our Members are unhappy with what is not in the bill; some of them are unhappy with what is in the bill. I would observe that we will be having additional legislation which we are contemplating bringing forth from the Energy and Commerce Committee in the month of September which will address a large number of questions not now before the House, including the question of global warming in all of its aspects.

These controversies have been avoided so that we could produce a consensus bill that will pass the House and the Senate and be signed into law by the President. That bill is before us at this time, and it merits our support.

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

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the committee.

Mr. SHIMKUS. Mr. Chairman, I'm going to count to 10 and make sure I'm calm and deliberative. I do appreciate my friends on the other side.

Throughout the process in our committee, numerous times I've heard the promise that we will have coal provisions in the Greenhouse Gas Bill this fall, and I think we kind of heard it again today. I am skeptical. I am a doubter. I don't believe it will happen. That's why I'm upset about the bill today.

We just heard Education and Workforce people talk about jobs. I'll talk about jobs; coal-to-liquid jobs. One coal-to-liquid refinery that produces 80,000 barrels of coal-to-liquid, a thousand jobs, 2,500 to 5,000 construction jobs, 15 million tons of coal per year, and up to 500 coal mining jobs. Those are real jobs with great benefits and great wages.

Energy security. We have our soldiers deployed in the Middle East, and they've been there for a lot of reasons for many, many years. I think it was Carter who said the Persian Gulf region was an important national security interest. Why? We know why. Crude oil. How do we decrease that importance of the Persian Gulf region? We move to coal-to-liquid technologies, our coal fields to a coal-to-liquid refinery, through a pipeline to fuel our aviation assets that the Department of Defense really wants.

What is wrong with this bill? Everything. No soy diesel. No renewable fuel standard. No ethanol. No renewable fuel standard. No coal. No alternative fuel standard. Nothing on nuclear energy. No expansion. There is no supply in this bill. Defeat this bill.

Mr. BOUCHER. Mr. Chairman, we continue to reserve our time.

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time at this time.

Mr. RAHALL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, title VII of the pending legislation is the Energy Policy Reform and Revitalization Act of 2007, which was produced by our Committee on Natural Resources. The fundamental premise behind this title of H.R. 3221 is that we must restore accountability and integrity in the Federal onshore and offshore energy leasing programs and ensure that the public interest is upheld when it comes to managing energy development on Federal lands, while advancing alternative energy strategies, preserving coal's role in a global climate-sensitive world, and addressing the impacts on wildlife, coastal areas, and our oceans as a result of climate change.

There are many issues contained in this title, but at this time I would highlight subtitle D. That would initiate a framework for enabling our Nation to sequester carbon dioxide under the ground to ensure the future use of fuel, such as coal, in an environmentally responsible fashion.

We can talk about ethanol and other biofuels and wind and solar, et cetera, all we want, but the fact of the matter is that coal, which produces half of our electricity in this country, will continue to be a mainstay through the foreseeable future. At the same time, any of us representing coalfields in this country recognize that we must, as a Nation, aggressively pursue strategies and technologies to capture and store the carbon dioxide.

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

□ 1130

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in the strongest opposition to this bill. This bill, as brought forth by the majority, will increase the energy costs to all Americans. It increases the imports more than we are now, where we are now at 67 percent, of foreign oil, sending dollars overseas to compete against us and actually raise the war of terror.

I am shocked that any union would ever support this bill. It will lead to the loss of jobs in all sectors of our economy. It is clearly the work of those, including the leadership on the other side, who do not appreciate the blessings of America's place in the world.

Prime Minister Margaret Thatcher once said, ''Nothing is more obstinate than a fashionable consensus.'' This bill appears to be based on the consensus opinion that America is too wealthy, too strong and too influential in the world. The way we got there was to build the world's strongest economy by using the energy that God gave us.

The popular consensus of representatives of this bill is if we use less energy and make it more expensive then we can unilaterally reduce our impact on the world. I have news for those who believe this: Nature abhors a vacuum.

The U.S. has been the world's number one industrial economy since the Civil War. Since the Civil War. We got there by using our coal, our oil, our natural gas and our brains to create and use more energy to amplify human strengths to do more things than any other competitor on Earth. Along the way we became number one.

Now, for the first time since the Civil War, our Nation faces serious competition to our number one status from China and India. China just surpassed Germany to become the third-largest economy in the world. Experts believe that within 20 years they will overcome this Nation. And with this bill they will.

China already produces more CO_2 than we do, which is the logical outcome of the relentless race to use more energy, because they understand energy use means economic growth. They are our competitors. They import energy around the world. They consume over half of the cement in the world today building their economy for tomorrow.

So what does this bill do to prepare our Nation for competition? It tells us to turn the lights out. That is what this bill does.

Mr. Chairman, I fear for our Nation. I fear for our young people. I fear for a Congress that does not understand that to stay in number one requires more energy, not less. Energy is the power of life. I fear for a Congress that does not understand the history of our blessed place in this continent of the world. I fear for my children and my grandchildren because what you are doing here today is dead wrong. And anybody who says this is the right thing to do does not understand the energy policy at all.

President Ronald Reagan, who more than anyone understood the spirit that makes America great, often referred to our Nation as ''the Shining City on the Hill.'' Mr. Chairman, I fear we are witnessing nothing less than an effort to turn off the lights in what Ronald Reagan referred to as ''the Shining City on the Hill,'' because some believe we need to rest in our quest to make the world a better place. Our competitors in the world would like us to rest.

Mr. Chairman, this is a bad bill. There is no energy in this bill at all. We are faced with the ability not to have our ships float, our trains run, our cars drive and our trucks deliver because there is no energy in this bill. And I say shame on you.

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

Mr. RAHALL. Mr. Chairman, I continue to reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3½ minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I rise in strong opposition to H.R. 3221. I rise in strong opposition to the method and strategy promoted in this bill, which suggests that it is a new direction towards energy security. I don't oppose the bill because it doesn't include any new energy. I can tolerate a bill that doesn't include any new energy, and this one doesn't.

But this bill is worse than that. It takes domestic energy supplies away. At this time of record energy prices, this bill limits our domestic production. This is a San Francisco energy policy that will force prices higher, will increase our dependence on oil from Venezuela and Iran, and it will send even more of our American jobs overseas.

The bill is deaf to every signal in this country and around the world regarding energy prices. Listening is one of the most important skills of a policymaker. I urge the Members of this House to please listen to the signals surrounding us.

Oil shattered another record this week, reaching $78.77 per barrel during the trading day. This ''Wrong Direction'' bill cuts off 2 trillion barrels of American oil from oil shale resources.

Energy Secretary Bodman called on world producers today to boost oil supply of world oil because the U.S. economy is in a ''danger zone.'' This ''Wrong Direction'' bill cuts off 10 billion barrels of oil from our own National Petroleum Reserve in Alaska.

On one hand, the Independent System Operator of New England released a study today that states that New England's energy rates are among the highest in the Nation and they will continue to depend almost entirely on the price of natural gas. So New England's energy depends on the supply of natural gas, no matter what policies State leaders adopt for conserving energy.

On the other hand, this ''Wrong Direction'' bill cuts off 18 percent in Federal onshore natural gas supply by gutting the categorical exclusions provisions from the Energy Policy Act of 2005.

In another move to use energy as a political weapon, Russia announced this week that it would again cut off Belarus from natural gas supplies. At the same time, Russia is putting a flag on the North Pole so that it might drill and continue to feed its hungry energy appetite. Meanwhile, this ''Wrong Direction'' bill plays 11th hour games and cuts off critical domestic natural gas supplies from the Colorado Roan Plateau. The Roan has enough natural gas to power 4 million homes for more than 20 years.

Venezuela announced this week they are coordinating with the Cubans to drill offshore Florida. China is already working with Cuba to drill off the shore of Florida. And yet we do not harness any of this energy for our own purposes. Instead, we allow the Chinese to become even more dominant in the world.

The bill will prohibit government agencies from working together. Right now, BLM, the Forest Service, the Environmental Protection Agency, the Department of Fish and Wildlife and the Army Corps of Engineers all work together in pilot offices that make common sense to the American taxpayer. Yet this bill stops them.

Dow Chemical announced recent plans to build a $22 billion chemical facility in Saudi Arabia because natural gas supplies are too tight in this country. This ''Wrong Direction'' bill breaches contracts with natural gas producers.

Again, this bill simply does not produce any new energy, but, worse, it affects the supply of energy we currently have, diminishing those. It is going to put a double squeeze on our economy.

Mr. Chairman, this is not the best new direction. It is a new direction for the country. It is the wrong direction. I oppose the bill strongly.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, title VII of the pending legislation is the ''Energy Policy Reform and Revitalization Act of 2007'' which was produced by the Committee on Natural Resources.

It is the product of 14 hearings held this year, input from over 100 witnesses, results from several Government Accountability Office reports and Interior Department Inspector General investigations, and a marathon markup session during which 46 amendments were considered.

The fundamental premise behind this title of H.R. 3221 is that we must restore accountability and integrity in the Federal onshore and offshore energy leasing programs and ensure that the public interest is upheld when it comes to managing energy development on federal lands, while advancing alternative energy strategies, preserving coal's role in a global-climate-sensitive world, and addressing impacts on wildlife, coastal areas and our oceans as a result of climate change.

I would like, at this time, to express my deep appreciation to the Members of the Natural Resources Committee who assisted in crafting this legislation. To Subcommittee on Energy and Mineral Resources Chairman JIM COSTA for the many long hours he put into the hearing process. To RAUL GRIJALVA, Chairman of the Subcommittee on National Parks, Forests and Public Lands who also conducted hearings and aggressively fought for public interest provisions in this legislation. To Subcommittee on Fisheries, Wildlife and Oceans Chairwoman MADELEINE BORDALLO for her vision in seeking to address issues relating to wildlife and our oceans in this measure. And to GRACE NAPOLITANO, chairwoman of the Subcommittee on Water and Power for her contributions as they relate to western water resources as well.

Last, but certainly not least, I would like to express my deep appreciation to the Speaker of the House, NANCY PELOSI, for her intimate involvement with the provisions reported by the Natural Resources Committee during the process of compiling H.R. 3221.

Others will speak to the many issues contained in this title, but at this time, I will focus on two.

Subtitle D of this title will initiate a framework for enabling our Nation to sequester carbon dioxide under the ground to ensure the future use of fuels, such as coal, in an environmentally responsible fashion.

We can talk about ethanol and other biofuels, and wind, and solar all we want, but the fact of the matter is that coal—which produces half of our electricity in this country—will continue to be a mainstay throughout the foreseeable future. At the same time, many of us representing the coalfields of this country recognize that we must—as a Nation—aggressively pursue strategies and technologies to capture and store the carbon dioxide that results from coal combustion.

There are three provisions of this title which seek to accomplish that goal. The first is a national assessment of the geologic capacity for carbon storage, focusing on deep saline formations, unmineable coal seams, or oil and gas reservoirs capable of accommodating industrial carbon dioxide.

The second directs the Interior Department to devise a regulatory framework for conducting geological carbon sequestration activities on federal lands. This is extremely important. In the event a suitable geologic formation is identified on federal lands, there currently exists no clear-cut authority to allow the activity to go forward.

The third is the biomass utilization program established by this title. One of the purposes of this program is to develop biomass utilization for energy, including through combustion with other fuels such as coal, to achieve cleaner emissions. This is especially important in our continued efforts to develop a viable coal-to-liquids industry in this country to counter imported oil. Expert studies and tests show that when coal is mixed with biomass in the coal-to-liquids production process it will produce a cleaner fuel at the tailpipe than conventional gasoline.

The other area of this title which I would like to highlight relates to restoring the public interest in the management of our Federal oil and gas resources. A number of GAO and Interior Inspector General investigations make it abundantly clear that the taxpayers are not receiving a fair return for the disposition of these resources as a result of royalty underpayments, various schemes and outright fraud.

The Natural Resources Committee, under my chairmanship, has been very aggressive in pursuing these matters. There is a fiduciary responsibility to the American people involved here, and if the Interior Department will not fully exercise it then the Congress will.

Provisions of this title will bolster federal audits and provide expanded tools for requiring compliance with the payment of federal oil and gas royalties.

This is simply good government, and it belongs in this energy bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I want to thank Chairman RAHALL, Chairman DINGELL and other committee chairmen, along with the Speaker, for developing this important, far-reaching bill to address many of the pressing needs to cut our dependence on foreign oil and gas.

There are many provisions in this legislation, and we know this legislation is a work in progress, but I would

like to point out an important protection the bill affords for the Roan Plateau in Colorado. These protections are of great importance to Congressmen SALAZAR and UDALL, as well as the people of Colorado and the Nation.

The Roan Plateau is also, though, as was suggested by our colleague from New Mexico, a highly important source of natural gas supply to the Nation and will remain so for the foreseeable future.

Mr. SALAZAR gives us an opportunity to address both issues. The language in the bill specifies that the restrictions on the drilling are prospective only and do not apply to private drilling activities. It does not apply to roads, rights-of-way access to privately held land or production. Nor does it apply to pipelines and infrastructure needed to transport natural gas across BLM land to access stem pipelines to transport the gas to the rest of the United States.

Roan area gas is of immense importance to the Nation, with an estimated 9 trillion cubic feet of gas reserves. California, my State, gets 24 percent of its natural gas from the Rocky Mountains, clean-burning natural gas which today is the fuel du jour. California is struggling, obviously, to come into compliance with clean air standards. This supply of natural gas is important.

Mr. Chairman, in conclusion, this does provide new energy sources, solar power, and renewable sources. I want to thank Chairman RAHALL and Congressman SALAZAR for their amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON), who has been a leader in this area.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise today to talk about the importance of the legislation we are considering. There's nothing more important to America's economy and security than affordable, available energy, and we are today looking at legislation that doesn't deal with that.

Here is our current use of energy: We are 40 percent dependent on petroleum. We are in world short supply at the moment. The oil companies are reporting they are most frightened today because of the lack of oil availability in the world than they have ever remembered. Natural gas, 23 percent. Coal, 23 percent. Nuclear, 8 percent. Hydroelectric, 2.7 percent.

None of these major forms of energy will be enhanced or helped. They will be harmed. The legislation coming from the Natural Resources Committee will give us less petroleum and increase our dependence on foreign supply from unstable parts of the world.

Natural gas? Nothing. But it will give us less natural gas and make us, again, foreign dependent on foreign, from Canada.

Nothing to help coal.

We need an energy bill that gives us energy so our renewables can grow in order to meet some of our future needs.

Ms. GIFFORDS. Mr. Chairman, I rise to claim the time alotted to the Science and Technology Committee.

The CHAIRMAN. The gentlewoman from Arizona is recognized.

Ms. GIFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act. This bill will help our Nation make great strides in our efforts to simultaneously reduce our dependence on foreign energy and address global climate change. I am proud to join with my colleagues on the Science and Technology Committee under the leadership of Chairman GORDON and Ranking Member HALL to contribute a very strong Science and Technology title to this bill.

This title authorizes funding for research in advanced, experimental energy technologies; marine renewable energy technologies to harness the power of ocean waves and currents; geothermal energy technologies, to tap into the enormous reservoir of heat stored within the earth; biofuels, to increase the amount of energy we can extract from our agricultural resources; solar energy technologies, to tap into the tremendous power of the sun; carbon capture and storage, to reduce the carbon footprint of coal-fired power plants; and, of course, global climate change.

□ 1145

Mr. Chairman, all of these important provisions to this legislation had bipartisan support within our committee. I look forward to Members' support of this legislation, and will continue to work with Members to make sure these great provisions go to the President's desk.

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

Mr. MCKEON. Mr. Chairman, I rise to claim the Republican time for the Education and Labor Committee.

The CHAIRMAN. The gentleman from California is recognized.

Mr. MCKEON. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I rise in opposition to H.R. 3221, the Democrat Energy Scarcity Bill. Congress must act decisively to pass a balanced, comprehensive energy policy that creates more American-made energy, spurs good jobs, corrects our supply-and-demand imbalance, lowers prices for consumers, and strengthens America's ability to compete. But the bill before us today would do none of that. Instead of creating new energy supplies for consumers, they trap America's vast energy resources under ever-more bureaucratic red tape and punitive taxes that discourage domestic energy investments.

As senior Republican on the Education and Labor Committee, I rise in opposition not only against H.R. 3221's remarkable lack of any new energy, but also against the sliver of the bill marked up out of the blue by our committee in June, the so-called ''green jobs'' provision in the bill.

I was chairman of our Postsecondary Subcommittee in 1998 when Members of both parties enacted the Workforce Investment Act, or WIA, to establish the system of one-stop career centers aimed at providing one convenient, central location to offer job training and related employment services. While these reforms have been successful, the WIA system is still hampered by often unnecessary bureaucracy that prevents it from being as effective as it could be for workers and their families.

In response to this, in the last Congress, the Republican-led House voted to further streamline and consolidate these programs. Today, rather than following suit, H.R. 3221 will add to the duplicative nature of these job training programs, all under the guise of ''green jobs.'' Make no mistake: this marks a significant step backwards in our effort to streamline the delivery of job training services.

Through the green jobs provision in this bill, though they have garnered a great deal of attention from the media and Members, it was significant enough to garner the attention of the Department of Labor. In an analysis of the language we marked up in committee earlier this year, the agency noted that the new program created under this bill would duplicate assistance that is available already to help train workers under the Workforce Investment Act. As a result, should H.R. 3221 become law, it would mean more red tape, more bureaucracy, and more hurdles for job seekers.

At a time when Congress purports to be so interested in enhancing American competitiveness, making it more difficult for job providers and job seekers to become more competitive themselves, surely this is not a wise course of action.

This reverse in course at the heart of H.R. 3221 should not be taken lightly. But given the process that has brought us here, I fear it has been. The Education and Labor Committee never held a single hearing on it, outside stakeholders had little or no time to review it, and the bill had been purposely crafted outside the WIA reauthorization process.

However, to meet an artificial deadline for introduction of the Democrat Energy Scarcity Bill, our committee was forced to act hastily. This ill-considered process is especially discouraging because this fall our committee is expected to begin the process of reauthorizing the Workforce Investment Act. Indeed, that process is the appropriate venue for consideration of the green jobs language considered in the bill before us today.

If we did follow this more responsible process on the green jobs language, there are a number of questions Members could and should ask about it.

For one, Members should know the rationale for giving nonviolent criminals priority for training under the green jobs bill. Members also should know why the majority choose to circumvent the successful one stop program and instead insist the training for green jobs be provided through an entirely new and separate line of programs. Finally, Members should know why labor unions are given special treatment under this bill, when the local workforce investment boards and the business community, those that actually provide jobs, are left out in the cold.

Unfortunately, we will never get an answer to these or any other questions about green jobs on the minds of Members, because this language has been rushed to the floor. As a result, it will make our job training system more cumbersome and less efficient for both green jobs training and any other training delivered through the workforce investment system.

Mr. Chairman, before I conclude, I also must note my continued strong opposition to the majority's insistence on including controversial Davis-Bacon wage mandates in both this and other bills forced through the House this year.

Davis-Bacon wages violate capitalist values of free markets and competition, and they can inflate costs of projects by as much as 15 percent, costs that get passed on to taxpayers. Moreover, they force private companies to do millions of dollars more in excess administrative work each year.

At a time when we should be encouraging more investment in our energy infrastructure, as this bill purports to do, expanding this mandate is an unwise course, and one, I might add, that was never considered before the committee of jurisdiction, the Education and Labor Committee.

For these and other reasons, Mr. Chairman, I cannot support H.R. 3221, the Democrat Energy Scarcity Bill; and I urge my colleagues to join me in opposition.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. WILSON), subcommittee ranking member on the Committee on Education and Labor.

The CHAIRMAN. The gentleman is recognized for 2¼ minutes.

Mr. WILSON of South Carolina. Thank you, Mr. MCKEON.

Mr. Chairman, I rise today in opposition to this legislation. We have heard from many of our colleagues this morning about the flaws of this legislation across a range of policy areas. I would like to focus on one in particular that concerns many Members of the Committee on Education and Labor, and particularly the subcommittee on which I serve as ranking Republican, the Subcommittee on Workforce Protections. That issue is, of course, that the application of Davis-Bacon prevailing wage requirements, which is expanded no less than five times in this bill.

I submitted an amendment to the Rules Committee which would have conditioned the effective dates of the Davis-Bacon expansions in this bill on the completion of a study by the GAO to determine how effective the Davis-Bacon wage system is, and in particular whether progress was being made on improving its known flaws. I will give my colleagues some background.

In 2004, the Department of Labor's Office of Inspector General examined the Wage and Hour Division's attempt to update the Davis-Bacon wage-gathering system, a system that the Department of Labor spent $22 million updating. The results were troubling.

The IG report stated: ''Wage and fringe benefit data supplied wage and hour, and used in its surveys continue to have inaccuracies and may be biased. Further, prevailing wage decisions developed from the data are not timely.''

Indeed, the problems identified are dramatic. My amendment simply would have required the Government Accountability Office to examine the status of the Department of Labor's efforts to remedy these identified flaws and make progress implementing the IG's suggested reforms before we expand Davis-Bacon wages and its associated costs in the wholly new areas of law.

That is why I submitted my amendment to rules and why I am disappointed we are not debating it today. The Wilson amendment may not have solved all of the problems in this bill, but it would have at least made an effort to correct one significant issue that we know sorely needs fixing.

As the Democrat Congress endeavors to expand Davis-Bacon into unprecedented areas under this bill, states and private parties receiving loan guarantees, grants and bonds will now be required to comply with the act. That is an unprecedented expansion beyond the original purposes of the act. I urge my colleagues to vote ''no.''

Mr. BOUCHER. Mr. Chairman, I yield myself 1¼ minutes.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, the bill before the House creates broad energy efficiencies. Taken together, our 29 separate energy efficiency provisions will reduce future greenhouse gas emissions by a total of 8.4 billion tons cumulatively through the year 2030. In the year 2030 alone, the reduction will be fully 700 million tons, and that is an amount equal to all of the vehicles on America's roads today.

The efficiency provisions are truly a major step forward in advancing American energy policy. They set new standards for lighting that is many multiples in advance of today's standards. They set higher standards for future models of an array of consumer products, ranging from refrigerators, freezers, dishwashers, clothes washers, residential boilers, electric motors and furnace fans. They promote green buildings, both in the public sector and also in the private sector. They create a process to capture much of the heat that today is wasted from industrial sites, enabling as much as 60 gigawatts of electricity generation from that energy.

The bill before us is a landmark accomplishment. It will make America more energy efficient and more energy independent.

Mr. Chairman, I reserve the balance of my time. I would say to the gentleman from Texas that we do not have other speakers on this side, except for the potential to close on this side at the end of this debate.

Mr. BARTON of Texas. What is the intention of the controller of the time for the Energy and Commerce Committee on the majority? Are you about to yield back? Are you going to reserve?

Mr. BOUCHER. If the gentleman would yield, we are reserving the balance of our time. We do not have additional speakers on this side for general debate. We do reserve the potential for a brief close in general debate, but that will be the extent of general debate on our side.

Mr. BARTON of Texas. Then, Mr. Chairman, I reserve the balance of the Energy and Commerce time on the minority side until the end of the general debate.

Mr. BOUCHER. If the gentleman from Texas would yield again for a moment, what we are attempting to do actually is facilitate the debate. At this point in time, if the gentleman is prepared to use his time, we would yield back the balance of our time.

Mr. BARTON of Texas. All right. Then I would yield myself 5½ minutes, with the understanding, I want to make sure before I do this Mr. BOUCHER or Mr. DINGELL or some member of the Energy and Commerce Committee is going to speak after I speak. Is that correct?

Mr. BOUCHER. No, I would say to the gentleman from Texas that we are prepared at this point to yield back the balance of our time.

Mr. BARTON of Texas. Then I will yield myself, I believe I have 5½ minutes, is that correct?

The CHAIRMAN. That is correct.

The gentleman is recognized.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. BARTON of Texas. Mr. Chairman, first let me say some positive things. I want to commend Chairman DINGELL and Subcommittee Chairman BOUCHER for the number of hearings that they have held on this issue in this Congress and this committee. I want to commend them for the draft that they circulated earlier this year in which they attempted to put forward a bipartisan energy bill that actually had real energy in it. Unfortunately, the draft that Subcommittee

Chairman BOUCHER circulated was hijacked. I am not sure what happened to it, but it just kind of disappeared.

We had six committee prints that were marked up at subcommittee and full committee. They were artfully crafted in such a way that no amendment that dealt with energy was germane to the committee prints. As I said at the full committee markup, I am in awe of the parliamentary expertise, but I was not in awe of the substance of the actual amendments or the actual committee prints.

This is the first Congress that I have served in in which there has not been a bipartisan approach to energy policy. In all the previous Congresses that I have served in, whether you had a Democrat majority or a Republican majority, when it came to energy policy, we tried to be bipartisan. For some reason, so far in this Congress that has not been the case.

If you look at the complete text of the bill that is before us, you see things in it that have never been seen before in an energy bill.

□ 1200

There is some sort of a Clean Energy Foundation that is appropriated $100 million that apparently has the authority to enter into contracts, perhaps even binding contracts, with foreign governments. That is not from the Energy and Commerce part of the bill, but it is in one of the titles in the bill.

We don't have anything on clean coal technology. We don't have anything on oil and gas. There is in the Energy and Commerce section of the bill, there is something to try to clarify the loan guarantees with regard to new construction of nuclear power plants which was considered in the Energy Policy Act of 2005.

There are some sections of the bill that deal with building codes, and one could argue that section of the bill preempts State and local building codes. I'm not sure that is the kind of energy policy that we really want to implement, where Washington knows better than your local government what the building codes should be.

There is a provision that says ''by date certain''. I think the date certain is 2050, that every building in America has to, on a net basis, consume no energy. There are some exclusions based on reasonableness, but there is no exclusion based on cost, including the building that we are currently in, the Capitol of the United States of America.

Can you imagine what it is going to cost if this bill becomes law to make the U.S. Capitol on a net basis use no energy? I am not sure it could even be done, but if it can be done, it is going to be enormously expensive.

For some of the reasons I have already outlined, the administration has said they are going to veto the bill. So this is really an exercise in sterile futility because this bill isn't going anywhere. I am not even sure it will be attempted to be conferenced with the other body.

This is not the way I conducted energy policy when I was chairman of the Energy Committee. I believe it is probably not the way that the current chairman of the Energy and Commerce Committee really wants to conduct energy policy. This is really a political exercise to give some Members of the majority party a forum to put forward their pet ideas and pet projects. But it is not good for the country, and it is not good energy policy, and it should be defeated in the strongest possible terms.

Mr. Chairman, U.S. reliance on unstable foreign sources of oil is at an all-time high. The world price of oil set a record just this week. Refinery capacity is shaky and shrinking fast, and I remind everyone here for the umpteenth time that no new refinery has been built in America in more than 30 years.

Americans want to know when we will start producing more of our own energy at prices that real people can afford to pay. I want to know how much ordinary Americans have to endure before the Democratic majority takes any action that actually matters on cutting fuel costs to working people?

Take natural gas. It used to be cheap, but now it's expensive and we burn too much of it for the purpose of generating electricity. That's a big part of the reason that it costs so much to heat and cool a home, but people also pay extra in the products and services they buy because pricy electricity drives up manufacturing cost. Sometimes it even drives industry and jobs out of the country.

Coal is our Nation's most abundant energy source, but the Democratic leadership doesn't see it that way. They are mostly interested in astonishingly costly and barely viable energy sources rather than the cheapest and most abundant, and it will be ordinary working Americans who will pay the cost of their policies. Don't get me wrong. Windmills and solar arrays are worthy of our support, but so is the cheapest and most abundant fuel we have. Yet coal, whether it's clean or liquefied or both, is just not on the Democratic majority's political agenda at any cost.

Even the energy efficiency parts of the Democratic bill are more sticks than carrots. For example, nearly everybody thought it would best if air conditioners and furnaces were built to match specific regions' particular energy needs. Who hasn't noticed that the summers in Texas are a little different than the summers in Maine? I'm here to tell you that the winters are different, too.

Most of us thought that buyers should get to decide on the heating and cooling equipment that works best for them. But instead of giving consumers information and choices, we're going to punish retailers who have the gall to let their customers decide what they need and want. In the view of the Democratic majority, Washington knows what's best.

In 2007, our America faces energy challenges on every front, but on this sorry day, we're not going to do anything about them. We are engaged here today in what is laughingly called a debate about an energy bill. This is hardly a debate, and this is certainly not an energy bill.

I hope we can stop this nonsense and start over and get it right. I urge my colleagues to take every opportunity today to achieve that noble goal.

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

Mr. BOUCHER. Mr. Chairman, I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim the time of the Science and Technology Committee and presume in all this finagling I haven't lost my 7½ minutes.

The CHAIRMAN. The gentleman has 7½ minutes.

Mr. HALL of Texas. Thank you, sir.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have said it here before and I will keep on saying it. For some reason, there is a war going on today against energy from fossil fuels, and I am not really sure why. Anyone ought to be able to understand that, to be less dependent on foreign sources of oil and to increase our national security, we need conventional, renewable, and alternative sources of energy. Our country at this time will not be able to continue to thrive and lead the world on renewable energy alone. Punishing the oil and gas industry, hindering alternative uses of clean coal and stifling nuclear power will ensure that the United States loses its place as a world leader.

Make no mistake, I support the continued development and increased use of renewable energy but not at the detriment of fossil fuels and clean nuclear energy that we absolutely have to have today.

The bill before us today includes many provisions of research and development into renewable energies that I support, but there is not one thing in this bill that would encourage the development or production of oil and gas in our country or off our country's coast, which is the only way we are going to decrease our imports in the near term.

Why? What on earth are my friends on the other side of the aisle afraid of? I can't for the life of me understand the pure venom that is felt for the oil and gas industry.

At this time in our country's history, more than any other time, when we are up against terrorists who have no fear of dying and only want to kill as many Americans as they can, we need to develop our domestic sources of energy for ourselves. We need to reduce our imports and our dependence on OPEC. And, yes, we need to continue developing renewable and alternative sources of energy to eventually help displace our use of oil and gas. But it is not going to happen next year or in the next 10 years. We need to be realistic about this and deliberate about this and come together about this because I believe Republicans and Democrats alike care about our youngsters and care about the future of this country.

Mr. Chairman, I am disappointed that this bill has energy independence and national security in its title. I think it is misleading. We can't become independent and secure on energy

deficiency and research and development alone. We definitely need them, but they can't carry the weight of our country's energy needs.

As the ranking member of the Science Committee, I would like to focus on the science side of the bill. While I feel there is some good research and development in the science title, I am disappointed to see that ARPA–E is in there again. We just passed it as part of the Competitiveness bill on Thursday after 2 months of negotiations. The Senate passed it on Friday, and it is on its way to the President's desk.

I am as opposed to it today as part of this bill as I was on Thursday when it was a part of the other bill. I am especially troubled that this version costs billions more than the one we just passed. I still believe it is unnecessary and could divert very valuable resources away from the Office of Science.

During committee markups, I, along with several other of my Republican colleagues, offered amendments that would have improved upon the bills, but they were voted down by every Democrat on the committee. These were commonsense provisions I thought and we thought that would have ensured that our most abundant domestic source of energy, coal, would continue to be a part of the energy future as an alternative fuel.

One amendment by Mr. MCCAUL from Texas simply added coal-to-liquids refineries to a list of facilities that could be a source of carbon dioxide for the large-scale sequestration demonstrations in the carbon capture and sequestration bill.

I offered an amendment to research ways to blend coal-to-liquids fuels with biofuels in order to prolong the supply of both. This would have helped to mitigate the potential negative effects that increased biofuel development would have on our food supply and on our prices. My friends on the other side of the aisle have decided that coal is a four-letter word when, instead, they ought to be looking at it as a ticket to independence.

Our greatest generation is no longer my generation, but it is our children and our grandchildren's generation. Let's not leave them with no choice but to fight wars all over the world for energy because our leadership here continues to put forth legislation that stifles domestic production of oil and gas and shuts out coal and shuts out nuclear energy sources.

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

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time for the Committee on Natural Resources.

Mr. Chairman, to follow on my previous comments and to respond to many of the comments made on the minority side, there are those on the majority side representing coal fields of this country that recognize that we must as a Nation aggressively pursue strategies and technologies to capture and store the carbon dioxide that results from coal combustion.

There are three provisions in the natural resources title which seek to accomplish that goal. The first is a national assessment of the geological capacity for carbon storage, focusing on deep saline formations, unmineable coal seams or oil and gas reservoirs capable of accommodating industrial carbon dioxide.

The second initiative directs the Interior Department to devise a regulatory framework for conducting geological carbon sequestration activities on Federal lands. This is extremely important considering future actions this Congress may take in this area. In the event a suitable geological formation is identified on Federal lands, there currently exists no clear-cut authority to allow that activity to go forward.

The third is the biomass utilization program established by this title. One of the purposes of this program is to develop biomass utilization for energy, including through combustion with other fuels such as coal, to achieve cleaner emissions. This is especially important in our continued efforts to develop a viable coal-to-liquids industry in this country to counter imported oil. Expert studies and tests show that when coal is mixed with biomass in the coal-to-liquid production process it will produce a cleaner fuel at the tailpipe than conventional gasoline.

In conclusion, on our title VII of the Natural Resources part of this bill, I would like to highlight provisions which aim to restore the public interest in the management of our Federal oil and gas reserves.

A number of GAO and Interior Inspector General investigations made it abundantly clear to our committee that the taxpayers are not receiving a fair return for the disposition of their resources as a result of royalty underpayments, various schemes and outright fraud.

The Natural Resources Committee has been very aggressive in pursuing these matters. There is a fiduciary responsibility to the American people involved here, and if the Interior Department will not fully exercise it under this administration, then those of us in Congress on our committee will.

Provisions of this title will bolster Federal audits and provide expanded tools for requiring compliance with the payment of Federal oil and gas royalties. This is simply good government.

Our portion of this bill provides for transparency, accountability, and a fair return to the true owners of these Federal lands, the American taxpayer. No longer can we allow the American taxpayer to be ripped off, to not receive their fair share for the disposition of their resources. No longer can we allow cronyism, fraud and abuse to exist in the Department of the Interior.

I conclude by saying that the Natural Resources portion of this bill is a good bill. The underlying bill is a good bill. I salute our Speaker, a true leader, who has addressed the concerns of many members of our caucus, who has an intimate grasp of the details of this legislation. Under Speaker PELOSI's leadership, we are advancing in this particular legislation energy independence for this country, a freeing of our reliance upon foreign, unstable sources of oil that imperil not only our national security but imperil the lives of our young men and women.

This bill helps restore that integrity and that independence. I urge all of my colleagues to vote for the underlying bill.

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

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I want to talk about natural gas for a few minutes. Natural gas is a major commodity product in a lot of what we do in our country. I think this chart basically shows that as the price of natural gas goes up jobs go down. We are not competitive with countries around the world on natural gas.

Look what we have done and what we continue to do in this bill. It is amazing how our major coastal States want to drive us to energy efficiency, they want to use electricity, but they don't want us to use the natural resources off their coast.

This is a map of our country. It shows all the areas in red that are off limits for natural gas exploration. So we have the States of Massachusetts, Maine, Vermont; we have the great State of California, Oregon, Washington State. Guess what? It is okay if we use natural gas, but don't get it from our Outer Continental Shelf.

What do they do in this bill? They put a big ''don't get it from'' the mountain States any more. So we continue to want to use electricity, we continue to want to use natural gas, but you know what, we don't want to explore for it. That is why I am concerned about this bill.

I have great friends, and I appreciate the efficiency debate. Light cars, light bulbs, it could be a little bit of help.

□ 1215

But if we don't move with a renewable fuel standard, if we don't use coal in an alternative fuel standard, if we don't continue to move on ethanol, if we don't expand nuclear options and hopefully move to a hydrogen economy, we're kidding ourselves. We have to do both. To come to this floor and say that this is going to decrease our reliance on imported crude oil and this is going to make us safer is not correct.

Vote against this bill.

Ms. GIFFORDS. Mr. Chairman, we have no speakers. Would my friend from Texas please rise for a question?

Mr. HALL of Texas. If I might inquire first before I answer the gentlewoman from Arizona, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

Mr. HALL of Texas. 30 full seconds. Now, go ahead.

Ms. GIFFORDS. We have no additional speakers. We're prepared to yield back our time.

Mr. HALL of Texas. Mr. Chairman, I yield myself the remaining time.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. I just want to simply say that at a time when we import 60 percent of our oil from OPEC countries and others, we need to be encouraging domestic production of fossil fuels. We have it. We don't have anywhere else to turn.

I just think energy is such a national security issue, not a partisan political issue. We have to move beyond partisan rhetoric and pass a sensible energy legislation that would promote all sources of energy, increases our domestic capacity, reduce the cost of energy, promote technologies to make fossil fuels including coal, clean coal cleaner and more efficient.

This week Democratic House leaders have been scrambling to get energy legislation to the floor before Congress recesses for August, yet the bill they are hoping to pass today doesn't create any new energy and doesn't help meet America's energy needs.

At a time when we import 60 percent of our oil from OPEC countries, we need to be encouraging domestic production of fossil fuels. The Democrats' energy bill doesn't expand our domestic energy supply one drop of oil.

Our economy depends on fossil fuels, yet opponents of oil and gas continue to push legislation to raise taxes on our domestic energy producers and refiners, making American energy more expensive, and making us even more dependent on foreign, unstable regimes.

Bio-fuels and other alternative energy sources have great potential, but are not ready to replace fossil fuels on a large scale in our domestic energy portfolio. As ranking member of the Science and Technology Committee, I believe that one day the investments we make in research and development into alternative energy will make a big difference, but right now Americans need clean, affordable, and abundant energy—and I'm afraid the bill before us today does not advance this goal.

Comprehensive energy solutions must include all sources of energy. Not only should we invest in research and development for technologies that promote renewable and alternative sources of energy, but we should also invest in technologies that make existing energy sources cleaner, more affordable and more efficient. At the same time, we must continue to support the domestic oil and gas industry in order to reduce our dependence on foreign oil. We cannot turn our backs on the fossil fuels that have made our country what it is today.

Energy is a national security issue—not a partisan political issue. We must move beyond partisan rhetoric and pass sensible energy legislation that promotes all sources of energy, increases our domestic capacity, reduces the cost of energy, and promotes technologies to make fossil fuels, including coal, cleaner and more efficient.

Mr. Chairman, I yield back my time.

Ms. GIFFORDS. Mr. Chairman, I yield back my time as well.

Mr. OBERSTAR. Mr. Chairman, I claim the time for the Committee on Transportation and Infrastructure and yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. OBERSTAR. The European community nations have achieved a remarkable milestone. They have achieved a 10 percent mode shift from automobiles to transit. The State of New Jersey has also achieved a mode shift to 10 percent of all travel by transit. If we can make that mode shift nationwide in the U.S., we will save the equivalent of all the oil we import from Saudi Arabia. That's 550 million barrels a year.

The recommendations from the Committee on Transportation and Infrastructure incorporated in this bill will move us in that direction.

We authorize $1.7 billion of capital operating funds for transit agencies to reduce fares and expand services, to purchase alternative fuel buses, alternative fuel locomotives, ferries, and refueling facilities.

If the alternative transit program had been continued with vigor, there was a very successful hydrogen bus initiative that produced vehicles that operated in Santa Barbara, California, that I had the privilege of going out there to ride in those buses. We can achieve those goals without a Manhattan Project or without a man on the moon project because we have the technology already in hand.

Our legislation also increases the Federal share for Congestion Mitigation and Air Quality Improvement funds to increase incentives for States to use those funds. We authorize funding for the purchase of green locomotives and track improvements for short-line railroads.

The private line, private sector rail companies have had great success with their green goat switch engines in makeup yards for freight rails, producing vastly less particulates and CO_2 and NO_X in those areas which are very close to habited communities that feel mostly the effect of the noise and the air pollution, vast reductions in already existing technology with no loss in efficiency but also savings of cost.

We also authorize $2 billion in loan guarantees to establish a short sea shipping transportation program which would be very beneficial on the Great Lakes, would help reduce the congestion in Chicago, and would improve the coastwise trade on the east, west and gulf coast regions of the United States.

We also require GSA, General Services Administration, to install energy-efficient light bulbs in Federal buildings, including to photovoltaic systems. We require the Department of Energy to construct a sun wall on its headquarters. Actually, that building was constructed, the south wall, with no windows or doors to accommodate solar application. We reported that bill early in the work of our committee with the support of our ranking member, Mr. MICA, and enthusiastic bipartisan vote in the committee to use money out of the public building fund to build that wall so that at the end of the day the Department of Energy will pump excess electricity into the Pepco grid system and run all of the elevators, escalators, computers, lights, anything that runs on electricity by photovoltaics. We already have technology. We need to do that. Our provisions in this bill will, using what already exists to save energy, reduce costs.

And I just add one further item, and that is on the General Services Administration, our committee has jurisdiction over 366 million of square feet of Federal office space. The electricity bill annually is $5.8 billion. If we install photovoltaic cells on all those buildings, we can save 90 percent of that cost and save also the consumption of coal and natural gas, whatever it takes to produce the electricity for those buildings.

These are all realistic, within grasp, available technology initiatives that we bring to you in a very practical way.

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

Mr. MICA. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. MICA. Mr. Chairman, actually I'm pleased to be here on a Saturday because we should be here on Saturday, Sunday, Monday and through the entire week to address the issue of energy independence for this Nation. People who drive up to the gas pump want some relief from high energy costs. People who get their bill at home and are struggling to pay that high power bill are being challenged, people on fixed incomes, and also, the country's being held hostage now importing so much fossil fuel.

And this is all supposed to be about climate change. We all want to preserve and protect the climate. We had a little piece of this in the T&I Committee. But actually we could make a big impact, because if you look at the emissions into the atmosphere that are causing global warming and some of the problems, power generation is one of the biggest generators of that pollution and degradation of our environment. And then transportation, all you've got to do is look at the cars and trucks and the use of energy and then polluting our environment and adding to the warming of the climate.

But unfortunately, in our committee markup, Republicans tried to add some real energy policy changes to this bill, and they didn't accept them, the Democrats didn't accept them. For example, Congresswoman THELMA DRAKE from Virginia, she had an excellent amendment to lift some of the limitation on congestion mitigation and air

quality funds to allow the CMAQ money, this type of money the Federal Government allows, to be used for capacity expansion projects.

The Democrats claim that this legislation is about climate change, and really, the leading causes of greenhouse gas emissions, as I said, is traffic and, actually, congestion.

Addressing the problem of congestion, if we'd done that, we would really be doing much more for a solution to reduce emissions and improve our air quality. That was turned down by the other side. I could give you a lot of statistics, and I'll include them in the RECORD of what it would do. So the Democrats rejected this effort.

Let's look at another Republican recommendation. SAM GRAVES, an outstanding representative from Missouri and one of the ranking members, offered an amendment in committee, and it was included in the Republican alternative, to streamline the pipeline permitting process to allow just for repairs, and it was rejected. This is getting some of the fossil fuel on a temporary basis to where it needs to go and also for gas and other substances that make us less dependent on the fossil fuels that cause pollution.

And finally, the Republicans offered an alternative that the Democrats refused to make in order that identify deepwater ports that we can use for L&G facilities to bring in liquefied natural gas on an expedited basis when it's in the national interest. So, again, we become less reliant on the types of fossil fuels that pollute and cause global warming.

So we attempted to work with the other side for real solutions that we could have put in in addressing the problems that transportation contributes again to global warming and these bad emissions in our atmosphere were rejected.

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

Mr. OBERSTAR. Mr. Chairman, I listened with interest to my good friend from Florida about our committee markup on this legislation, and I do think that a correction to the record is in order.

The Drake amendment would have amended the Congestion Mitigation and Air Quality Improvement Program to allow construction of new single-occupancy vehicle lanes. That hardly contributes to energy conservation. CMAQ is intended for high-occupancy vehicle lanes. Ninety-eight percent of the STP and NHS programs can be used for single-occupancy vehicle lanes. CMAQ, since ISTEA in 1991, has been an energy conservation and air quality improvement program. That amendment would have set us back rather than moved us forward.

The L&G provision the gentleman referenced, the amendment was directed at a provision in the existing safety law legislation in the State of Massachusetts, one which the entire Massachusetts delegation supported in 2005, and the existing law and this provision would have overturned or significantly amended that language and was vigorously opposed by the entire Massachusetts delegation.

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

Mr. MICA. Mr. Chairman, may I inquire as to how much time I have remaining.

The CHAIRMAN. The gentleman from Florida has 3 minutes remaining. The gentleman from Minnesota has 1 minute remaining.

Mr. MICA. Mr. Chairman, I yield 2½ minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise in strong opposition to this misguided energy bill, or the ''energy without half the lights on'' bill.

There's a saying in West Virginia that coal keeps the lights on, but H.R. 3321 effectively turns off the lights on the country's energy supply. It's important to our economy, to family budgets, and to businesses across the country that we increase our supply of domestically produced energy of all types. That includes energy from renewable sources, like wind, but it should also include more traditional energy sources like clean coal and natural gas that provide the bulk of our country's energy.

We need to take advantage of our own natural resources to reduce our reliance on foreign oil. Yet the bill we consider today does nothing to support clean coal to liquid fuels. This country has a 240-year supply of coal that could be used to replace some of the imported oil we currently use for transportation fuel. Coal provides over one-half of our Nation's electricity and well over 95 percent of the power in my State of West Virginia.

□ 1230

Where is it in this bill? This is the ''no energy'' energy bill. Clean coal has the potential to be a major part of the solution in reducing our reliance on foreign oil through many technologies, among those, coal-to-liquid.

Besides being a major coal producer, my State of West Virginia also has a large oil and gas business and a large chemical industry that relies on natural gas as a feedstock. This bill's provisions will likely delay or reduce access to a significant portion of our natural gas reserves.

Increasing natural gas prices will drive up the cost of chemical manufacturing and cost more workers in this industry their jobs. An economist in my local paper this morning said, ''The fewer lands open for drilling, the higher the price for natural gas. It's not a good thing for consumers.''

It simply defies logic that this House, on one hand, can condemn the high cost of energy price at the pump, heating and cooling, while on the other hand refuse to act on clean coal legislation, coal liquefaction, and cut off access to domestic oil shale and natural gas.

If the new direction in domestic policy means turning our back on domestic coal or turning off half our lights and if it means cutting off our access to our own natural gas and oil shale so we can be held hostage by foreign countries for energy or if it turns out half the lights or 95 percent of the lights in my State of West Virginia, I want no part of it.

I urge my colleagues to reject this energy legislation.

Mr. MICA. Might I inquire again about the time remaining?

The CHAIRMAN. The gentleman from Florida has 30 seconds remaining. The gentleman from Minnesota has 1 minute and the right to close.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

First, on the issue of capacity expansion process, studies have shown that improving traffic flow at more than 200 identified bottlenecks would reduce carbon emissions by as much as 77 percent. That's that single lane.

On the bridge in Massachusetts, the Democrats were all in favor of taking down a 100-year old bridge and replacing it. We are replacing that bridge. That new bridge will be in place. Now they found out that the old bridge will block the liquified natural gas tankers from going up. They wanted that bridge removed. That bridge is still going to be there and blocking their natural gas from getting to where it needs to go. Unbelievable.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The gentleman fully knows the issue at hand in Massachusetts. The entire Massachusetts delegation knows their State better than we here in this body.

As for the capacity issue, that amendment was never offered.

Our bill does keep the lights on, but with photovoltaic, energy efficient lighting, compact fluorescents. To reduce the cost, save the use of coal so that it can be directed to more important industrial purposes like producing steel, we do have an energy conservation and energy-creating program that we bring to the floor in our portion of this legislation.

I was actually out this morning myself helping the energy issue, consuming 900 calories on the seat of a bicycle, rather than consuming a gallon of gasoline in my car.

In fact, if we all did that, we could save that eight barrels of oil a year, consume 86,000 calories on the seat of a bicycle and convert from a hydrocarbon economy to the carbohydrating economy.

Mr. LANTOS. Mr. Chairman, I claim the time allotted to the Committee on Foreign Affairs.

The CHAIRMAN. The gentleman is recognized.

Mr. LANTOS. Thank you, Mr. Chairman.

Let me first commend Speaker PELOSI for orchestrating an incredibly complex set of provisions across the full spectrum of issues and committees. It was a masterful achievement, and we are all in her debt.

Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, climate change presents a challenge to all of humanity. The bill before us today includes several groundbreaking international provisions to ensure America's role as the world's leader in the fight to save the planet, not as a reluctant and grudging participant.

Passing our bill will mark a historic turning point in this country's engagement with the international community on global warming. No longer will we debate and delay endlessly dealing with this crisis. No longer will we send low-level bureaucrats to crucial international climate change meetings with express marching orders to muzzle the science and to obstruct action.

I am very pleased that my friend from New Jersey, Congressman Chris Smith, joined me as the chief Republican cosponsor of the international provisions included in this bill.

Our legislation passed the Foreign Affairs Committee overwhelmingly on a bipartisan basis, and I encourage all of our Members to vote for this historic legislation.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Florida is recognized.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

We all agree that the United States can be a leader on a number of global and environmental issues and we seek to find innovative ways to address these challenges.

This bill is not the answer. It is merely a compilation of regulation, increased funding, and the creation of additional layers of bureaucracy.

Title II of this bill, the Foreign Affairs title, sets up a new office structure at the State Department to focus on climate change, but it ignores the fact that we already have an office in the Department's Bureau of Oceans, Environment and Science that deals with these very issues. The bill is silent on how many new personnel will be needed for this new office and at what cost.

This legislation also seeks to ignore the current efforts in the existence of the senior climate negotiator and special representative by creating a new duplicative decision. Title II, section C, of this bill proposes a new, federally supported organization entitled the International Clean Energy Foundation, which would duplicate the grantmaking work of the State Department, USAID, and the United Nations.

The bill authorizes $100 million over 5 years for this Foundation and essentially guarantees that the Foundation will exist forever.

In fact, following passage by the Foreign Affairs Committee of a bill which became title II of H.R. 3221, we received an estimate from the Congressional Budget Office which says that just the Foreign Affairs title of the bill would cost $772 million over the years 2008 to 2012. That is $772 million over 5 years.

A few short months ago, we had a debate in the House on the Intelligence authorization bill, which contained a provision mandating that the intelligence community use its resources to develop a National Intelligence Estimate on the issue of global warming. We thought that the majority would wait to receive an assessment of the nature and extent of the problem, as well as a range of factors contributing to the problem before having the House vote on this bill. But this was not to be.

As public servants, our overarching responsibility should be to do no harm. This legislation, I agree, runs contrary to that principle.

We all share a desire to do more to exert U.S. leadership in the environmental realm. We must be careful not to fool ourselves into believing that throwing money at the problem and adding layers of bureaucracy are truly effective ways of addressing this issue.

Mr. Chairman, I urge my colleagues to vote ''no'' on the bill, and I reserve the balance of our time.

Mr. LANTOS. Mr. Chairman, I yield to my friend from New York (Mrs. MALONEY) for a unanimous consent request.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act. This bill will truly lead us in a new direction. By investing in renewable energy technologies and landmark energy efficiency efforts, we'll be creating millions of green jobs in our economy. With the government taking the lead in reducing greenhouse gases, we'll be setting the right example and setting the bar high. By encouraging high-payoff energy technology R&D, we'll be spurring innovation in solar, geothermal, and marine renewable energy. And by taking steps to increase accountability in the payment of federal oil and gas royalties, we'll be doing more to ensure the American taxpayers are being paid their fair share in royalties from oil and gas companies.

One important addition that I believe must be included in the bill is a 15 percent Renewable Electricity Standard. I hope my colleagues will support the Udall amendment to put our Nation on a path toward a clean energy future.

Another important improvement to the bill would be the addition of a study of ways to improve the accuracy of collection of federal oil and natural gas royalties. The American taxpayers are possibly being cheated out of billions of dollars in royalties owed to them by energy companies, and an amendment I offered to the Rules committee to ensure such a study would help get taxpayers the royalties they are due.

Lawsuits have been filed alleging that energy companies are underpaying billions of dollars in royalties because of these inaccuracies—or possibly because of outright manipulation— in the process for determining royalty payments. Many of these lawsuits have been settled; and we're talking about a lot of money here: In 2000 and 2001, major oil companies settled with the Justice Department for over half a billion dollars in two False Claims Act lawsuits over oil and royalty underpayments. In 2004, Chevron paid out $111 million to the State of Louisiana for underpayments. In 2005, BP owned up to the tune of $233 in a Colorado case. And, in a case still pending, Exxon Mobil may owe up to $3.6 billion or much more to the State of Alabama for underpayments in royalties there. Certainly, for this kind of money, we can afford to ask the experts who understand the technical issues here to study the major underlying problems.

I am disappointed that my amendment was not ruled in order, but I am pleased to have support from Chairman RAHALL, in addition to support from the Project on Government Oversight, Taxpayers for Common Sense Action and Friends of the Earth. I thank Chairman RAHALL for agreeing to hold a hearing on this issue, and I look forward to working with him toward enacting this provision.

Mr. Chairman, the American people are ready to tackle the challenges of global climate change, to get on a path to energy independence, and to be a leader in the world in protecting our planet. They're ready for a New Direction, and I am proud that this Democratic Congress has undertaken the challenge. No one doubts that bringing this important bill to the floor today has been a long and hard fight. I applaud the hard work of all the leaders on this issue and urge all my colleagues to support the bill.

Mr. LANTOS. Mr. Chairman, just to summarize briefly some of the comments made by my good friend from Florida, climate diplomacy has been sidelined under this administration to such an extent that expertise and diplomatic stability in climate negotiations is now almost absent in the Department of State. It is long, long overdue that we reinvigorate the capability of the Department of State on the issue of global climate change and our legislation does that.

We are also creating a foundation not as a bureaucracy but as an institution to act as a clearinghouse of ideas and the matchmaker amongst foreign public and private actors working on global clean energy technologies.

Probably no single item has contributed as much to the decline of the United States' prestige internationally than our cavalier attitude towards global climate change. With a new administration coming in less than 1½ years, we preparing the ground that our global partners will again respect us and look to us for international leadership on this all-important issue.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2½ minutes to the distinguished colleague from Virginia, the ranking member on the Committee on Agriculture, Mr. GOODLATTE.

Mr. GOODLATTE. I thank the gentlewoman for yielding.

Mr. Chairman, I rise today in strong opposition to this legislation, which will do nothing to make us energy independent. This bill sets us on a dangerous path and ensures that we cannot produce sufficient domestic energy.

I believe we should find solutions to address our energy needs. Unfortunately, this legislation will result in less domestic energy production. This bill increases America's dependence on foreign oil, a dangerous policy for our national and economic security. This is a tax and spend and mandate policy by the Democrats, imposing $15 billion in tax increases and myriad new government mandates.

They will say these taxes and mandates won't affect average Americans, only oil companies in other businesses. Nothing could be further from the truth. These taxes will impede domestic oil and gas production, discourage investment in refinery capacity, and make it more expensive for domestic energy companies to operate in America than their foreign competitors, making the price at the pump rise even higher. An increased tax doesn't just hurt energy companies, it hurts every American energy consumer.

This legislation does not even address some of our most promising domestic alternative and renewable energy supplies. There is nothing in this bill that addresses clean coal-to-liquid technologies or nuclear energy. Coal is one of our Nation's most abundant resources, yet the development of clean coal technologies is completely ignored.

Furthermore, this legislation doesn't encourage the construction of nuclear energy generation facilities. As the Congress works to promote green energy, we should encourage the production of more nuclear sites which provide energy without CO_2 emissions.

In one of the few programs that could lead to increased energy production, I am baffled that it contains Davis-Bacon labor provisions. Renewable energy plans financed through loan guarantees would be located in rural America, but artificially inflated construction costs caused by Davis-Bacon will negate the program in most rural areas.

This legislation does not address the energy concerns of our country. It makes the situation worse. If we want to make America energy independent, this Congress must pass a bill that contains energy. This bill does not.

I urge my colleagues to reject this bill and work to find real solutions to the energy needs facing our country.

Mr. Chairman, I rise today in opposition to this reckless energy policy, which will do absolutely nothing to make us energy independent, or lower energy costs. This bill sets us on a dangerous path and ties our hands in a regulatory mess to ensure that we cannot produce domestic energy.

Like my colleagues, I believe we should find solutions to address the growing demand for energy. Unfortunately, this legislation contains no energy in it. In the Republican-led Congress, I supported an Energy Bill that actually encouraged energy—domestic energy production—and lessened our dependence on foreign oil. Today's legislation, however, seeks to dismantle any progress we have made in achieving energy independence, and leaves us at the mercy of foreign energy sources.

Many Members have discussed passionately how America needs to decrease its dependence on foreign energy. In fact, many campaigned on promises to decrease our dependence. Sadly, this legislation falls drastically short on those promises. In fact it actually increases America's dependence on foreign oil. This is a dangerous policy for our national and economic security.

Many Americans don't know that the U.S. is the world's largest energy producer. Over the past 25 years we have pumped 67 billion barrels of oil, and strong reserves remain. The fact is the energy sources are there—in Alaska, the Rockies, and offshore—but political roadblocks keep it in the ground instead of in use in the economy. Sadly, this legislation restricts our access to our own energy sources even further.

This energy policy set in place by the Democrat majority lives the Democrat motto through and through—Tax and Spend. This policy imposes $15 billion in tax increases. The other side will tell you that these tax increases will not affect the average hard-working Americans, only the big evil oil companies. Nothing could be farther from the truth. The taxes contained in this bill will impede new domestic oil and gas production, will discourage investment in new refinery capacity, and will make it more expensive for domestic energy companies to operate in the U.S. than their foreign competitors, making the price at the pump rise even higher.

Let's make no mistake, an increased tax doesn't just hurt energy companies, it hurts every American—individual, farm, or company—that consumes energy. Increased taxes on energy companies are passed to consumers. Every American will see these increased costs on their energy bill. This body shouldn't pass legislation that further raises energy prices for consumers.

While this legislation increases taxes on traditional oil and gas, it does not even address some of our most promising domestic alternative and renewable energy supplies. There is not one thing in this bill that addressees clean Coal-to-Liquid technologies or nuclear energy. Coal is one of our Nation's most abundant resources, yet the development of Coal-to-Liquid technologies is completely ignored by this bill. Furthermore, this legislation does nothing to encourage the construction of new nuclear facilities.

Proponents of this legislation will tout how green this bill is; however, if my colleagues really want to promote green energy they should encourage the production of more nuclear sites which provide energy free of CO_2 emissions. The rest of the world is far outpacing the U.S. in its commitment to clean nuclear energy. We generate only 20 percent of our energy from this clean energy, when other countries can generate about 80 percent of their electricity needs through nuclear. It is a travesty that in over 700 pages this legislation does not once mention or encourage the construction of clean and reliable nuclear plants. Nuclear energy is the most reliable and advanced of any renewable energy technology, and if we are serious about encouraging CO_2 free energy use, we must support nuclear energy.

One of the provisions I am most alarmed about in this bill allows for individuals to sue the Federal Government for $1.5 million for damages caused by global warming. I don't know what this has to do with energy production, but I think this is a dangerous precedent to set. This language gambles with the hard-earned tax dollars of the American people that could get lost in frivolous litigation.

I'm also concerned with the potential sweeping implications of the bill's National Policy on Wildlife and Global Warming. It is nearly impossible to accurately determine the effects that warming temperatures might have on wildlife, let alone take measures to mitigate these effects. The consequences of this section could be as far reaching as the Endangered Species Act or the National Environmental Policy Act and could have severe implications for Federal land management. This does not belong in a so-called energy bill.

I will concede that there are a few, very few, decent provisions in this bill. I am pleased that the Agriculture Energy programs build on the 2002 Farm Bill with more focus on cellulosic materials, including forest biomass and switchgrass. This will help farmers and forest owners by creating new markets and income opportunities to keep them on the land. At the same time, greater focus on cellulosic feedstocks can reduce our reliance on corn for renewable fuels.

With Americans paying close to $3 at the pump, we must diversify our energy supplies with alternative fuels, including renewable energy from our farms and forests. Renewable energy is a home-grown solution for reducing our reliance on foreign-oil, boosting jobs and economies in rural America, and improving our environment.

However, I am baffled that one of the few programs in this bill that would lead to increased energy production would contain Davis-Bacon provisions. Renewable energy plants financed through the loan guarantee program would be located in Rural America. Rural America simply cannot afford to pay the artificially inflated wages caused by Davis-Bacon as urban America can. By including this unfair labor provision we are putting union interests ahead of efforts to become more energy independent.

Mr. Chairman, in addition to the lack of real incentives for energy production in the U.S., this bill is also bad for our Nation's public forests. The bill guts a program that provides incentives for renewable energy production from small-diameter materials removed from public forests to reduce wildfire and insect risk and improve the health of the forests. With over 5 million acres destroyed by fires and hundreds of millions of dollars spent fighting them so far this year, we cannot afford to take away forest management tools from the Nation's public land managers.

Unfortunately, the bill replaces this program with a Biomass Pilot Program, which would do everything but encourage use of low value forest material for energy. On top of this, the bill attaches the problematic Davis-Bacon provisions to this pilot program.

This legislation does nothing to address the energy concerns of our country; it only makes the situation worse. This bill is a dangerous policy for our country. If we really want to

make our country energy independent, this Congress must pass an energy bill that contains energy. This bill does not. I urge my colleagues to reject this awful bill; let's start over, and work to find real solutions to the energy needs facing our country.

Mr. LANTOS. Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to my dear friend from Illinois (Mr. MANZULLO). He is the ranking member of our Subcommittee on Asia, the Pacific and the Global Environment, and he offered a substitute amendment in the committee to fix the foreign policy provisions in the legislation before you.

□ 1245

Mr. MANZULLO. Mr. Chairman, title II of the Democrats' energy dependence bill seeks to reduce global climate change by spending $1.2 billion to increase Washington bureaucracy.

Instead of debating whether or not global warming exists and, if so, to what extent, we should all unite behind an effort to combat all forms of global pollution and promote the sale of U.S. environmental exports. Then we can spend more time and effort on cleaning up the environment rather than engaging in partisan disputes.

Nevertheless, as the senior Republican on the Global Environment Subcommittee, I believe this title is fatally flawed for three main reasons:

First, it combats air pollution, even though numerous reports and study show that conflict over access to clean water and contaminated food is just as important, if not more important, an immediate threat to the national and economic security. Therefore, we should expand the scope of it.

The U.N. Development Program's Human Development Report of 2006 states that there is a growing crisis with respect to clean water. This bill does not address it. And if it is not addressed as a priority issue, it will inherently lead to greater insecurity around the world.

Secondly, title II grows the size and scope of the Federal Government, adds more bureaucracies, more programs, more money.

Title II also creates five other new programs or initiatives such as the new International Exchange Program at a cost of over $1 billion.

Third, title II states that the U.S. should negotiate new binding greenhouse gas reduction commitments from all major emitting countries based on their level of development.

In 1997, the other body voted 95–0 against such a commitment because economic dynamos such as China, India, and Brazil were not included.

Title II also ignores all that our government is doing in the area of climate change, including spending $37 billion.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remainder of my time.

My colleagues have said that the administration had neglected this issue of low-level bureaucrats. We have an Under Secretary of State, an Assistant Secretary of State, and a Special Representative at the Department of State, all engaged in global climate diplomacy. I would say that we have been quite involved.

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

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3221. I am proud to sponsor this legislation as it moves this country closer toward energy independence amidst the needs of this Nation's entrepreneurs.

Small businesses are dramatically impacted by rising energy costs. According to a recent study conducted by the National Small Business Association, 93 percent of small business owners anticipate negative consequences to their businesses because of higher energy prices.

This bill includes numerous measures to help small businesses cope with these challenges. Many of these provisions offered by Mr. SHULER of our committee were designed to address the entrepreneurs' role not only as consumers but also as suppliers of energy.

It contains key initiatives to increase energy efficiency. With enhanced loan guarantees and lower fees on Small Business Administration loans, more small businesses will be able to purchase energy efficient technology.

The bill also requires the SBA to develop a national strategy for educating small firms about energy efficiency.

H.R. 3221 will encourage the creation of new energy efficient technologies and increase production of renewable fuels. Small businesses are the primary leaders in renewable fuels sectors, already making up more than 75 percent of biofuel producers. It creates private equity investment companies specifically for the purpose of funding renewable fuel production.

This legislation is the giant step forward in increasing the supply of energy while also creating smart usage. By voting for this bill, we can reduce energy usage and greenhouse gas emissions, all while making sure our economy is moving in the right direction.

I commend the leadership on this important bill, and I urge its immediate passage.

I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I claim the time on the minority side and yield myself such time as I may consume.

In recent years, it has become painfully clear that America is far too dependent on foreign oil. We import nearly two-thirds of the oil we consume. With gas prices in my district back in Cincinnati and throughout the country hovering around $3 a gallon, it is important for Congress to continue exploring ways that we can produce more energy domestically rather than relying on oil from the volatile Middle East or from Nigeria or Venezuela or other unstable areas in the world. In fact, according to the Government Accountability Office, Americans paid $38 billion more for gasoline in the first 6 months of last year than they paid during the first 6 months of the previous year. That is just unacceptable.

It is critical that we adopt a diversified and balanced energy strategy to become more self-sufficient. The Energy Policy Act of 2005, passed when the current minority was actually in the majority, took significant steps in that direction.

For example, we must increase our production of traditional fuel such as oil and natural gas, and strengthen conservation and efficiency efforts.

It is also important to provide incentives for the research and development of promising new technologies such as, for example, hydrogen fuel cells.

And, renewable energy, the vast majority of which is produced in our Nation's rural communities, is serving an important role in meeting America's energy needs. Biofuels have the potential to help wean Americans off foreign oil and to provide an economic boost for farmers and rural communities.

The potential should have fostered a serious and long overdue debate about reforming our Nation's agriculture policy which, in my view, with its subsidies and tariffs is in dire need of reform. Unfortunately, the farm bill that this new majority passed just this last week will cost $286 billion over the next 5 years, with billions in subsidies, price guarantees, and direct payments going to large agra businesses that already stand to benefit from increased market opportunities for renewable fuels.

This energy bill only exacerbates the problems which will be made worse by the farm bill that was passed last week. It authorizes the creation, for example, of government-backed venture capital firms to invest in renewable and biofuels enterprises under a new program at the SBA, the Small Business Administration. Nothing prohibits the existing small business investment companies, which are backed by the Federal Government's full faith and credit, from investing in companies that are involved in biofuels and renewable energy already.

To compound matters, this so-called energy bill before us today even authorizes the SBA to fund the development of business plans for these venture capital programs. There is nothing to demonstrate that a market failure exists in the development and construction of such facilities. As a result, I see no reason to provide further incentives through the creation of a totally new program at the Small Business Administration. We are just growing government. I would urge my colleagues to oppose this bill.

I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

I am on the Committee of Energy and Commerce, but because of the restrictions of time for this very important bill, I appreciate him giving me time off the Small Business Committee's timeline.

Mr. Chairman, I come to the floor of the House to actually educate Members about some stuff that is in this bill of which they may not be aware. I had an amendment in subcommittee and full committee, and the again yesterday in the Rules Committee that was not made in order. But this amendment deals with the timeline that is going to outlaw the incandescent bulb in this country by 2012. That means, for the current time, you will be using one of these for your light bulbs at home, a compact fluorescent bulb. Perhaps a good idea. They last a long time, they consume less energy; but, Mr. Chairman, they also contain mercury, about 5 milligrams per light bulb.

What is the problem with that? The problem with that is these light bulbs can break. And if they do, what does the Environmental Protection Agency recommend? It recommends you open the window and leave the room for 5 minutes. It recommends that you double-bag your vacuum cleaner bag to pick up all the parts you can without vacuuming, and when you do vacuum put the vacuum cleaner bag in a double plastic bag and send it only to a landfill that accepts mercury. A pretty onerous burden to put upon the taxpayers of the United States.

But the real concern that I have is that we have locations in this country where we have vulnerable populations that are difficult to move: a nursery in a hospital, a daycare center, a nursing home with nonambulatory patients. If you break a compact fluorescent bulb in one of those locations, you are in for big trouble. You have got to move 20 children who are in a nursery before 15 minutes time is up? Most nurseries that I worked in, in hospitals, don't even have a window to open. So how are you going to comply with those EPA guidelines?

The fact of the matter is, my amendment would have had language that said: no nursery, hospital, nursing home is compelled to use a compact fluorescent bulb where the population might be vulnerable if there were the escape of mercury out into the environment.

Unfortunately, the House Speaker, the House leadership did not want that amendment made in order. We now all have these in our offices over in the Longworth Building. I know I found two. I wasn't told that they were being put in the office.

People need to know, they need to be aware that there are very specific guidelines that deal with the breaks of these bulbs, and it is important that they not be compelled to be used in nurseries or with vulnerable populations.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield such time as we have remaining to the gentleman from Pennsylvania (Mr. PETERSON).

The Acting CHAIRMAN (Mr. PASTOR). The gentleman from Pennsylvania is recognized for 2 minutes.

Mr. PETERSON of Pennsylvania. Small business is the future of America. One of the greatest threats to small business in this country is energy prices, the transportation of their goods and the heating of their factories and the use of clean green natural gas in the manufacturing process. It is 55 percent of the chemical business; it is 45 percent of the polymers and plastics business. They use it as an ingredient; they use it as a fuel. It is 70 percent of nitrogen fertilizer. And one-half of our corn is going to be grown this year with fertilizer from foreign countries because natural gas prices in America are the highest in the world.

The natural gas supply in this country is in crisis. Twelve years ago, we opened it up for an unlimited amount of producing electricity. Now 20-some percent of our electricity is made with natural gas. But we refuse as a country, we refuse as a Congress to open up the Outer Continental Shelf where we have an abundant supply.

How many countries do what we do? There is no one in the world that doesn't produce energy, both gas and oil, on their Outer Continental Shelf. We all talk about Brazil's energy independence. Yes, ethanol was a piece; but they opened up their Outer Continental Shelf.

There has never been a gas well that polluted a beach. There has never been a gas well that polluted anything. Clean green natural gas should be a part of this bill; one-third of the CO_2, no NO_X, no SO_X. It is a clean energy. And as a country, we refuse to use it. How blind can we be?

It is interesting in this bill, we talked about carbon in the last segment. The other two carbon free, we are doing nothing with hydro, we are doing nothing with nuclear, carbon free. I am for all these renewables, but they are a fraction. Twelve hundredths of 1 percent of our energy is wind; and if we double it, we are now 24/100ths of 1 percent.

Folks, I am for all of those, but clean green natural gas is our bridge to get to those. Open it up.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume in discussion of this bill.

I rise in support of the bill and to discuss title VI, the Carbon Neutral Government Act. This title would make our government the world leader in addressing global warming, and it would make government operations dramatically more energy efficient.

The Committee on Oversight and Government Reform passed this act on a bipartisan voice vote. To make a difference on global warming, we must be bold and realistic at the same time.

□ 1300

The Carbon Neutral Government Act strikes this balance. It sets the ambitious goals that we know are necessary to avoid dangerous global warming. Scientists say we need to cut greenhouse gas emissions by 80 percent by 2050. This legislation asks the Federal Government to lead the way by reducing emissions to meet annual targets and achieve carbon neutrality by 2050.

The Act also has energy efficiency measures to help agencies achieve these goals, drive technology, and save taxpayers dollars. It requires government vehicles to be low-greenhouse-gas-emitting vehicles. It sets ambitious but achievable goals to increase the energy efficiency of Federal buildings, and it strengthens the requirement for agencies to procure energy efficient products.

With this Act, the government will use its leadership and its purchasing power to promote a more vibrant and cleaner economy.

I urge support for the legislation.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

H.R. 3221, a 786-page energy bill introduced by the Speaker this week, contains a major restructuring of our Nation's energy policies. I come to the floor today to talk about the specific title of the bill, title VI, which promotes energy efficiency by our Federal Government. That is the jurisdiction which our Government Reform Committee wrote.

Title VI of H.R. 3221 is known as the Carbon Neutral Government Act. It was marked up by the Oversight and Government Reform Committee as H.R. 2635 in June. After exhaustive discussions and negotiations with Chairman WAXMAN and his able staff, the committee approved the legislation by a voice vote. The committee put in a lot of work, and I very much appreciate the chairman's efforts to reach out and compromise with us.

The provisions in the Carbon Neutral Government title represent a bold effort to put the Federal Government in the forefront and in a leadership position with regard to mitigating the buildup of carbon dioxide in our atmosphere.

I agree with my colleagues on the other side of the aisle that the Federal Government must be proactive and take an aggressive leadership role in mitigating the harmful effects of climate change. To that end, the legislation would establish ambitious goals for the government's use of renewable fuels, energy efficient automobiles, and energy-efficient buildings, ''green'' buildings.

More specifically, this legislation would mandate that the Federal Government's greenhouse gas emissions be

reduced to zero by the year 2050. The Federal Government is the largest energy consumer in the world and is currently responsible for emitting 100 million metric tons of carbon dioxide annually. Meeting this goal of zero net emissions will be a significant step in the direction of minimizing greenhouse gas emissions and correspondingly reducing our impact on climate change.

Moreover, I concur with Chairman WAXMAN and others that setting and meeting these ambitious standards will accelerate the pace of development and adoption of technologies that will be critical to addressing climate change in the U.S. and worldwide.

That being said, we still have some reservations about the specific provisions in the bill.

There is a provision in title VI of the bill with the seemingly nebulous title of ''judicial review,'' more popularly referred to as the ''citizen enforcement provision.'' This provision would allow individuals to sue Federal agencies for failing to comply with carbon reduction goals called for in the legislation. To make matters worse, the provision allows plaintiffs to collect potentially millions of dollars in damages and attorneys' fees regardless of whether they can demonstrate any actual harm to themselves.

I appreciate the gentleman from California's working with us on this language and putting appropriate caps, and that makes the legislation amenable to myself. We have other Members who still have concerns.

Another concern I have in this legislation sets the government up to fail.

I mentioned earlier that title VI contains many laudable goals with respect to reducing carbon dioxide emissions by the Federal Government. But while eliminating all greenhouse gas emissions by the Federal Government in a few decades sounds great, in reality, this goal is going to be very difficult to achieve.

As this bill moves forward, I trust we will be able to move away from the rhetoric. We need to identify realistic goals that our Federal Government can meet and achieve and look for ways that we can achieve it.

Which raises a final concern: If you set unrealistic goals and then arm potential plaintiffs nationwide with the power to sue the government for failing to meet these goals, agencies will have little choice but to divert scarce resources away from their critical agency missions in order to ensure adequate funding to support the carbon emissions requirement.

While the majority included a provision at our request stating that agency plans on reducing greenhouse gas emissions must be ''consistent with the agency's primary mission,'' I am concerned that we need some work to ensure that agencies continue to place primary importance on their underlying responsibilities to serve the American people.

As great a threat as global warming is, the Federal Government also needs to carefully balance taxpayer dollars on reducing emissions at the expense of shortchanging other priorities such as health care, education, and national defense.

Mr. Chairman, I have limited my remarks to discuss only title VI of this legislation, the Carbon Neutral Government Act, and I again want to congratulate Chairman WAXMAN for working with us on this provision. I believe this legislation could go far in terms of striking the balance between making the Federal Government ''greener'' and devoting limited resources toward providing needed resources to the American public. But as we work our way through the legislative process, we want to continue to be engaged and address some of the concerns that we have identified.

I do have more serious concerns about other provisions in the broader energy bill put forward by the majority and, unfortunately, therefore, regret that I may not be able to support the energy bill before us today, depending on the outcome of some of the amendments.

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

Mr. WAXMAN. Mr. Chairman, I wish to yield 1 minute to my colleague, the gentlewoman from California (Ms. SOLIS).

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. Mr. Chairman, I would like to rise in strong support of H.R. 3221, title I, the Green Jobs Act.

I am here to tell you that we have a shortage of technically skilled, trained workers to get into these high-tech jobs and green-collar jobs. We think that all Americans should be able to participate.

This bill will allow for 3 million workers here to be able to enjoy this kind of training and advancement. We would open up the doors in our communities of color, those that are disadvantaged. We would allow for community colleges, vocational education, and labor-intensive apprenticeship programs to be a vehicle to help enhance this workforce that is so direly needed in our country.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1½ minutes to Mr. ISSA, the ranking member on the Energy Subcommittee.

Mr. ISSA. Mr. Chairman, I am shocked. I'm shocked that this bill and this process is going forward.

When we marked this bill up in the Committee on Government Reform, I was positive that it could not possibly go forward without the section on citizen enforcement being amended, reformed, or eliminated. And yet I am here today not only finding out that it is still in the bill but of the Rules Committee having had the audacity to not even allow it to be considered for amendment.

Mr. Chairman, this piece of legislation is a license for an unlimited amount of suits against the government by the extreme environmental groups. In fact, this bill pays a $75,000 bounty on top of unlimited legal fees to anyone who sues the government even if, in fact, that suit is based on this body's failure to act. Yes. Lawyers will be telling us, by suing us, that we must do more, and there will be no controls. They can sue in all 92 locations around the country. They can sue for any reason. We will have to pay the bill. When they lose, too bad. When they win, they get paid for taking from us not only 100 percent of their legal fees but $75,000 on top of that.

This is a license for America to be held hostage by the trial lawyers. It was deliberate. It was slipped through the committee. They said it was going to be fixed. In fact, nothing has been fixed; and we have been prevented from having an amendment on the House floor. This is undemocratic, and the Democrats know it.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

This provision was a topic for discussion in our committee, and we did try to accommodate some of the current concerns expressed to us. I just want to point that out to my colleague from California.

This is obviously a dynamic process, the legislative process. As we move forward, certainly we are open to further discussion. But I think your case was a bit overstated, and I think that we attempted to meet some of your concerns. If we haven't fully done that, we will continue to discuss it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, our concern is that Mr. ISSA would have liked to have put this to the floor and at least have given the floor an opportunity to have addressed these issues for the whole House. We very much appreciate the chairman's concern.

Mr. WAXMAN. I can appreciate that. And the Rules Committee has to decide what amendments to make in order or not, and I can see why the gentleman feels aggrieved that he didn't have a chance to offer a further amendment.

Mr. Chairman, I continue to reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Virginia has 1 minute remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield the balance of my time to the gentleman from San Diego (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, in San Diego County today, the consumers are paying over $3.50 for gasoline, and people point fingers at the oil companies when, in fact, Washington, DC, has mandated that we put in our gasoline corn-based ethanol that costs $4 a gallon. And considering that you need 1½

gallons of ethanol to equal the mileage you get with gasoline, that equals $6 a gallon that is mandated by the Congress of the United States for a product that not only is driving up the price of gasoline but is polluting our air, as identified by the Air Resources Board of California.

Now, if you are a constituent that is making money off of corn-based oil, that's fine. But do not allow anyone who claims to be an environmentalist and claims to be a consumer in California to support the corn-based ethanol proposal here.

I do not agree with Mr. MCCAIN of Arizona very often, but, as quoted by Mr. MCCAIN all the way back in 2003, he stated that the corn-based ethanol mandate that Congress is perpetuating on the United States is highway robbery perpetuated on the American people by Congress.

Please let's eliminate the corn-based mandate, save the environment, and save the consumers.

Mr. WAXMAN. Mr. Chairman, I want to concur with the statement from my colleague, Mr. BILBRAY, on his concerns because I share those concerns. It is not before our part of the legislation, but I do share many of the concerns he has raised from a California perspective by the mandate of ethanol.

Mr. Chairman, I have no further requests for time on the Oversight and Government Reform sections of this bill, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, the energy package before us today—H.R. 3221 and H.R. 2776—includes legislation passed by eleven House committees with the goals to address global warming and America's ''energy independence.''

H.R. 3221 includes bills I supported in the Energy and Commerce Committee on which I serve. The Energy and Commerce Committee bills will improve the Nation's energy efficiency, develop a ''smart'' electricity grid, improve the Department of Energy's Loan Guarantee program, increase the availability of renewable fuels, and encourage the development of advanced technology vehicles and components.

I do have reservations about Title VII, the Natural Resources Committee provisions, which would scale back and repeal several important provisions of the Energy Policy Act of 2005 that help encourage new domestic production of oil and natural gas.

While I have reservations with these provisions, I appreciate the efforts of House Leadership for bringing together several Members of Congress that represent energy-producing Districts to review and improve the legislation. While not perfect, we reduced agency timeframes to approve or reject drilling permits and coastal energy projects, as well as removed provisions that would delay energy corridors and eliminate the royalty-in-kind program.

While I intend to support H.R. 3221, I will oppose the Renewable Electricity Standard. We should encourage states to produce more electricity from renewable sources; the question is whether a ''one-size-fits-all'' Federal mandate is the best way to accomplish this goal, which could raise electricity rates for Texas consumers.

I will oppose H.R. 2776—a $15 billion tax package—because it includes additional provisions above those carefully negotiated in H.R. 6, the CLEAN Energy Act. While it includes important renewable energy provisions, we cannot keep taxing American's energy industry and expect to have adequate supplies of energy.

The Energy Information Administration predicts that natural gas, oil, and coal will compromise approximately the same share of our total energy supply in 2030 that they did in 2005, even with new investments in renewable sources of energy.

This large increase in new taxes targeted at the U.S. energy industry could reduce our Nation's energy security by discouraging new domestic oil and gas production, discouraging new investments in refinery capacity, and actually tilting the competitive playing field for global energy resources against U.S. based oil and gas companies.

As we move forward in this Congress, I hope the House of Representatives will address America's need to produce additional domestic energy, both conventional and renewable, to ensure the reliability and affordability of our Nation's critical energy supplies.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my concerns about the bill before us (H.R. 3221 and H.R. 2776). While there are a number of good provisions in the bill, including the incorporation of several renewable energy provisions from legislation that I have cosponsored, these bills also contain seriously objectionable provisions.

As a member of the House Renewable Energy Caucus I am supportive of many of the renewable energy provisions in the bill. I have been very supportive of securing funding for solar and hydrogen energy research nationally and in my congressional district.

I also believe that conservation is important and am pleased that several important conservation provisions are included in the bill. Certainly conservation remains an important part of meeting our future energy needs and energy independence. I am disappointed, however, that while pursuing conservation initiatives this bill takes unnecessary steps that hamper our Nation's domestic energy production.

I am disappointed that this bill not only does very little to enhance domestic energy production but is counterproductive in that it takes a number of steps that will raise the cost of energy on the American people and American businesses. One provision in the bill will cost Florida consumers alone, over $4 billion. Furthermore, through its restrictions and higher taxes on domestic production of fossil fuels, this bill will result in increased imports from overseas.

At this time when American consumers and businesses are being taxed due to higher energy prices the Democrat bill that is being brought to the House floor will actually exacerbate this problem. It is also troubling that the Democrats have denied Members of the House the opportunity to offer and discuss over 100 amendments that they filed to this bill. Furthermore, of the 23 amendments that were allowed to be considered under the Democrat rules only five of them were offered by Republicans. The American people deserve better.

This bill: Locks up additional reserves so that we cannot extract oil and natural gas;

Raises taxes on domestic energy suppliers—giving foreign oil and gas producers a competitive edge over U.S. producers; and

Raises the costs of all energy projects undertaken in this bill—costing billions of dollars—by applying Davis-Bacon wage requirements for any energy project undertaken through this bill.

Additional specific provisions in the bill that will do nothing to increase domestic energy supplies and in fact increase energy costs for the American people include:

A $15.3 billion in tax increase on domestic fossil fuel producers;

Sunsetting tax credits for refined coal at the end of 2008;

Banning natural gas drilling for 4.2 trillion cubic feet of natural gas in the Roan Plateau in Colorado;

Applying Davis-Bacon (union wage) requirements to all projects resulting from the tax credit bonds authorized under this bill—raising labor costs on such projects by 20 percent–30 percent;

Giving New York City $2 billion to use for any transportation project of their choosing—the Chairman of the Committee represents New York City;

Phasing out the tax credit for hybrid vehicles after more than 60,000 of them have been sold—discouraging further production and purchase of the most popular hybrid vehicles;

Raising taxes on oil and gas companies for the costs of oil and natural gas exploration;

Restricting the tax credit on biodiesel produced in the U.S.;

Creating a $1 billion foreign aid program for energy efficiency programs in developing countries;

Allowing individuals to sue the Federal Government for damages caused by global warming;

Giving bureaucrats a longer time period in which to approve oil and gas drilling permits;

Imposing Federal building energy codes on States;

Permanently authorizing the expenditure of $125 million a year for a grant program;

Creating a new global warming bureaucracy in the U.S. Department of State that will cost American taxpayers $750 million;

Putting the government in the role of picking winners and losers which leads to serious inefficiency;

Directing the U.S. Government to negotiate costly global warming treaties with developed countries—leaving developing countries like China and India free from such costly mandates on their competing industries;

Cutting $1.2 billion from agriculture producers and shifts it to already subsidized biodiesel companies;

Spending an unlimited amount of money on a cap-and-trade program whereby Federal agencies can purchase greenhouse gas emission offsets—already proven to be very expensive for consumers in Europe;

Making it more difficult to develop oil and gas on Federal lands by closing down Bureau of Land Management offices;

Slowing the Environmental Protection Agency, EPA, tar sands leasing program; and

Including dozens of additional costly mandates on businesses and individuals that are essentially hidden taxes.

It is no wonder that this bill is opposed by a host of organizations, including businesses, seniors, and energy organizations. This bill

does little to relieve the high energy costs that consumers and businesses are paying today, and in fact; it raises the cost of energy for consumers, businesses, State governments, and the Federal Government. This bill does nothing to enhance our access to oil and natural gas. It does nothing to enhance the development of clean coal technology—a supply of which we could meet our nation's energy needs for the next 200 years. The bill does nothing to enhance our use of nuclear energy—a source of energy that produces zero greenhouse gases.

It is important that we not view this bill in a vacuum. We must consider it along with other steps the current Democrat majority has taken that hamper our ability to move toward energy independence.

Earlier this year the Democrat majority voted to prohibit the Department of Interior from issuing oil shale leases in Utah and Wyoming. They defeated an amendment that would have permitted offshore drilling. They voted to shut down the state of Virginia's plan to allow for drilling solely along their own coast. They voted against allowing drilling for oil in a small portion of the Arctic National Wildlife Refuge, ANWR, which has oil deposits large enough to replace our imports from Saudi Arabia.

I urge that this bill be rejected and that provisions that hamper our energy independence be removed. The President has said that he will veto this bill because it ''would lead to less domestic oil and gas production, higher energy costs, and higher taxes . . .''

Higher energy costs for American consumers will tax the family budget and will jeopardize American jobs by making it more difficult for American businesses to compete in an increasingly competitive international marketplace.

Mr. VAN HOLLEN. Mr. Chairman, I am pleased to rise today as an original cosponsor of the New Direction for Energy Independence, National Security and Consumer Protection Act of 2007 and the Renewable Energy and Energy Conservation Tax Act of 2007. Taken together, this comprehensive energy package represents a long overdue course correction and new vision for energy policy in the United States.

Today, the House Democratic Leadership makes good on its commitment to redirect wasteful subsidies away from our already highly profitable oil and gas companies towards the renewable energy and energy efficiency technologies of the future. These new investments will significantly enhance our ability to combat global climate change, reduce our dependence on foreign oil, generate millions of new jobs and save consumers and businesses hundreds of billions of dollars over the next 25 years.

This package calls on the U.S. to reengage in the global effort to reach a binding global warming agreement. It reduces carbon dioxide emissions by 10.4 billion tons through 2030, more than the total tailpipe emissions from all the cars on the road today. It moves aggressively towards the development of carbon sequestration in order to mitigate the impact of the fossil fuels we will continue to use. And it asks the Federal Government, the largest single energy consumer in the country, to lead the way by becoming carbon neutral by 2050.

To begin the necessary process of weaning ourselves off foreign oil, we make an historic investment in biofuels, with opportunities for feedstock contributions from every region of the country. We provide grant funds for alternative fuel vehicles and additional support for service stations offering E–85 ethanol. And we help farmers deploy technologies like wind, solar and biomass to further distribute renewable energy production and revitalize rural America.

This legislation is a pro-innovation, job-creation machine. It increases loan limits for small businesses engaged in clean energy technology. It funds high-risk, high-payoff renewable energy research at the Department of Energy. And it includes worker training programs in areas like solar panel manufacturing and green building construction to ensure that our citizens are fully prepared to participate in the green workforce of the future. The payoff? An estimated 3 million jobs over the next 10 years.

The energy efficiency provisions in this legislation alone are estimated to save consumers and businesses a staggering $300 billion through 2030—demonstrating once again that the cheapest kind of energy is the kind you never have to use.

On the tax side, we extend the renewable production tax credit through 2013 to eliminate the planning and market uncertainty associated with the two-year extensions of the past. We expand manufacturer tax credits for energy efficient appliances and extend the current deduction for energy efficient commercial buildings. In an effort to allow States and localities to innovate and tailor clean energy solutions to the specific needs and opportunities of their jurisdictions, we provide new bonding authority for renewable energy and energy efficiency projects—providing my home State of Maryland with an allocation of $111 million to tackle these issues at the local level. And we finally do away with the infamous ''Hummer Loophole'' that has perversely subsidized the purchase of the most polluting, least efficient vehicles for far too long.

Mr. Chairman, along with Mr. UDALL, Mr. PLATTS and several of my other colleagues, I will also be offering an important bipartisan amendment today to establish a Renewable Electricity Standard for the United States. Renewable electricity standards aren't new. Twenty-three States and the District of Columbia already benefit from them. The European Union has set a goal of 22 percent renewable electricity generation by 2010. By contrast, the RES amendment we will be offering today proposes the substantially more modest goal of 15 percent renewable electricity production by 2020, of which 4 percent can be achieved through energy efficiency. Above and beyond the underlying bill, adopting this RES amendment is the single most important step this House can take today to address climate change, promote energy independence, create hundreds of thousands of good paying jobs and save American consumers billions of dollars on their future energy bills.

Additionally, I will also be offering a noncontroversial amendment to H.R. 3221 that would add a sixth policy option for States to consider in Title IX of the underlying bill. This language is intended to complement the existing residential energy efficiency incentives provided throughout the rest of the legislation by asking States and utilities to partner with us to promote the use of home energy audits, educate homeowners about the financial and environmental benefits associated with residential energy efficiency improvements and publicize the availability of Federal and State incentives to make residential energy efficiency improvements more affordable. In short, this amendment represents a voluntary, commonsense way to drive consumers towards the incentives we are hoping they will use—and I encourage my colleagues' support.

Finally, by the time we finish this legislation, I believe it is critical that we enact aggressive ''smart grid'' policies that create incentives to modernize the electric grid, something that is decades overdue. Smart Grid reduces CO_2 emissions by 25 percent and electricity usage by 10 percent according to the Department of Energy, DOE, and the Electric Power Research Institute, EPRI. By utilizing intelligent tax depreciation policy, and by modernizing existing DOE programs, we can immediately incentivize modernization of the electric grid and see the corresponding energy and environmental improvements.

Mr. SMITH of New Jersey. Mr. Chairman, the U.S. Congress has an obligation to work to ensure a healthy and safe environment for the benefit of current and future generations. To reduce our dependence on fossil fuels and achieve a healthier environment, we need a multi-faceted approach that addresses broad spectrums of inter-related issues and fosters both energy independence and clean energy reliance.

As a cosponsor of various global warming reduction initiatives, I urge my colleagues to support today's legislation, H.R. 3221, a comprehensive plan to combat global warming, provide national security by reducing dependence on foreign oil, help to better protect our natural wildlife, and offer international assistance to developing countries to promote clean and efficient energy technologies.

Among its many good provisions, I am pleased that H.R. 3221 includes the full text of legislation that I, along with Foreign Affairs Chairman TOM LANTOS sponsored—H.R. 2420, The International Climate Cooperation Re-engagement Act of 2007. The Lantos-Smith bill was approved and reported from the Foreign Affairs Committee in May and is now Title II of H.R. 3221, the underlying bill before us today.

It is no secret that climate change has a disproportionate impact on the vulnerable, poor populations in our world. Accordingly, the Lantos-Smith provisions of H.R. 3221 are designed to push and assist developing countries as they seek to implement positive renewable energy practices. Specifically, these provisions authorize $1 billion over five years to provide U.S. aid to support the overall purpose of reducing greenhouse gas emissions. The monies can also be used to increase institutional abilities to provide energy and environmental management services including outreach programs for India and China—two of the world's largest emitters of greenhouse gases. The bill also authorizes trade missions, programs to strengthen energy research and educational exchange, and an interagency working group to support a Clean Energy Technology Exports Initiative. These provisions are an important aspect of creating local, sustainable capacity and will complement well other program goals of our foreign assistance.

Another vital provision found in Title II of today's legislation is similar to one that I proposed over 17 years ago to create an office,

ideally within the State Department, with the sole mandate of working with foreign countries and others to mitigate the international impact of global climate change. During my tenure in Congress, I have witnessed how the designation of an office within the State Department has bolstered efforts on a single critical issue with notable results within a short time period. This has been the case, for example, with the Office to Monitor and Combat Trafficking in Persons as created by P.L. 108–193, my legislation the Trafficking Victims Protection Act. Similarly, I know that the establishment of an Office on Global Climate Change at the ambassadorial level within the State Department as provided for in H.R. 3221 will demonstrate to the world that the United States is targeting needed resources to address this challenge and is completely engaged in the worldwide fight against global warming.

Title II of H.R. 3221 also creates an International Clean Energy Foundation to serve the long-term foreign policy and energy security goals of reducing global greenhouse gas emissions. The foundation will be charged with promoting programs that serve as models for significantly reducing emissions through clean and efficient energy technologies, processes and services. The creation of the International Clean Energy Foundation promises to add a particularly effective tool in our arsenal against adverse climate change.

Mr. Chairman, global warming continues to be one of the most pressing environmental concerns in the world today. Given sea level rise, the increasing severity of storm surges and continued warming temperatures, the impact of global climate change is undeniable. Unless we act now—the future posseses an even greater threat to our way of life on this planet.

With its incorporation of H.R. 2420, H.R. 3221 represents an important step—both domestically and internationally—in reducing our dependence on fossil fuels and promoting 21st century clean energy solutions. Legislative action by this Congress to promote investment in renewable energy development, availability and implementation will help ensure a healthy environment. I urge my colleagues to support H.R. 3221.

Mr. UDALL of Colorado. I strongly support this amendment. . . .

I'd like to thank my cousin, Representative TOM UDALL, as well as Representative PLATTS and the rest of our colleagues who have worked so hard to push forward a renewable electricity standard. Speaker PELOSI also deserves our deep gratitude for her support and for working side by side with us during these last few weeks. We all understand the importance of this critical amendment, and I'm proud to have been a longstanding part of this great effort as it culminates in a vote today.

As demand for energy continues to grow in this country, we need to make sure that we continue to have affordable and reliable supplies. And, most importantly, as we move to more competition in the delivery of electricity, we must make sure that the environment and consumers are protected.

So it makes sense to put incentives in place to ensure that less polluting and environmentally friendly sources of energy can find their way into the marketplace. And that's what a renewable electricity standard, or RES, would help to do.

But it's not just about doing the right thing for the environment.

With almost all new electricity generation the last decade fueled by natural gas, our domestic supply cannot sustain our needs. Iran, Russia, and Qatar together hold 58 percent of the world's natural gas reserves. As demand for power continues to grow, we shouldn't be forced to rely on these unstable regions to sustain our economy, nor do we have to.

The best way to decrease our vulnerability and dependence on foreign energy sources is to diversify our energy portfolio. Half of the States in our great Union have already figured this out and have made the commitment to producing a percentage of their electricity using renewable energy. But all of our States will benefit under a national standard, which will bring natural gas costs down nationwide, create new economies of scale in manufacturing and installation, and offer greater predictability to long-term investors.

The Udall-Platts amendment requires utilities nationwide to produce 15 percent of their electricity using renewable energy sources by 2020. The amendment also allows up to 4 percent of that 15 percent requirement to be met with energy efficiency.

The amendment's definition of renewables is broad, including biomass—cellulosic organic materials; plant or algal matter from agricultural crops, crop byproducts, or landscape waste; gasified animal waste and landfill gas, or biogas; and all types of crop-based liquid fuels. It includes incremental hydropower; solar and solar water heating; wind; ocean, ocean thermal and tidal; geothermal; and distributed generation. The amendment also allows energy efficiency to make up 27 percent of a utility's targeted requirement. Every State has one or more of these resources.

The Udall-Platts amendment saves consumers billions of dollars. By reducing the cost of new clean technologies and making them more available, it will help restrain natural gas price increases by creating more competition for those fuels.

The Udall-Platts amendment will spur economic development in the form of billions of dollars in new capital investment and in new property tax revenues for local communities, and millions of dollars in new lease payments to farmers and rural landowners.

Not least, the Udall-Platts amendment will reduce air pollution from dirty fossil-fueled power plants that threaten public health and our climate.

The amendment does not burden some regions of the country at the expense of others, as the utilities would have you believe. It creates public benefits for all.

The argument that the Southeast is disadvantaged by the RES—that the Southeast has no renewable resources—ignores the plain truth. In fact, the Southeast is one of the regions of the country that will see the most benefit from this proposal. According to Department of Energy's Energy information Administration, the technology that does best under a 15 percent RES is biomass. Already, 2500 megawatts of generation come from biomass in the Southeast, and much of the waste from pulp and paper mills is not being used to generate electricity.

The Udall-Platts amendment gives States flexibility in achieving the standard.

Under the amendment, states can borrow credits against future renewables generation—for up to three years as long as they are repaid by 2020, which means the effective start date can be delayed and facilities ramped up more slowly.

The amendment gives three renewable energy credits for each kilowatt hour of power generated at on-site eligible facilities used to offset part or all of the customer's requirements. This means solar, small wind, and other distributed energy generation sources used in residential and business locations can earn triple credits.

The amendment also returns money to the States from alternative compliance payments for State weatherization programs, low-income energy assistance programs, and for encouraging the installation of additional renewables.

The amendment also lowers the initial target date for 2010 to 2.75 percent and makes the escalation to 15 percent more gradual so that utilities have more time to ramp-up renewable energy sales.

In summary, this renewable electricity standard will reduce harmful air and water pollution, provide a sustainable, secure energy supply now, and will create new investment, income and jobs in communities all over the country.

It is good for the environment, good for the economy, and good for our country. I strongly urge its adoption.

Mr. GRIJALVA. Mr. Chairman, I rise today in support of H.R. 3221.

This bill is a package of important provisions that will move our energy and climate policies toward a more sustainable future. I strongly urge my colleagues to support this legislation.

One of the highlights of this bill is a provision to require royalty payments from oil and gas leases that currently are exempt from royalties. We are losing millions of dollars on these faulty leases that are allowing oil and gas companies to extract taxpayer-owned resources for free. Putting a stop to this is fiscally unsound public policy is a much-needed step in the right direction.

With this measure, we will also establish progressive and sensible policies designed to help families and businesses save energy with new efficiency standards for appliances, lighting and buildings.

This bill puts our priorities back on track in funding new research into renewable fuels, which could be unlimited sources of clean energy if we invest in them properly. This will begin to move us away from the antiquated, dirty sources of energy we use today.

I support this bill and plan to vote in favor of it. I am, however, disappointed that several important provisions were removed from the Natural Resources Committee bill, H.R. 2337, as it was being incorporated into this bill. The colleagues who demanded the removal are primarily from big oil producing states whose interest is to move that product for the corporate interests they represent without thought or consideration for the rights of other Western states, communities, ranchers, farmers and the shared public lands of the American people.

One gentleman in particular represents a vast oil producing district with no real public land, at least 100 hazardous waste sites, numerous former superfund sites, watershed and ground water contamination sites. Perhaps the gentleman feels that is the price of doing the oil industry's business? I and many others in the West prefer a different scenario—where study, consultation, protection of our public lands, public participation, and cost recovery for the tax payer—are an integral part of doing business.

As Chairman of the Subcommittee on National Parks, Forests and Public Lands, I've become concerned about the 2005 Energy Policy Act's impacts on public lands, private landowners and wildlife in the West.

The provisions removed from this bill prior to floor consideration would have made very modest improvements to the Energy Policy Act, a bill largely written by and for the fossil fuel industry.

The first would have simply authorized a study before federal agencies designate energy corridors on federal lands across the entire West. I am deeply concerned that the most recent maps put forth by the agencies identify corridors crossing through National Parks, Wildlife Refuges, Monuments and wilderness areas. Like DICK CHENEY's Energy Taskforce, the initial maps of the draft corridors were drawn at the request of the energy industry, with very little public input. The study would have simply put a better, more thorough process in place by requiring agencies to consider congestion and constraints on the system as well as barriers to access for renewables. My provision would have also required the agencies to avoid places like National Parks when designating corridors.

The second provision, specifically requested by the Western Governors' Association, would have required land management agencies to analyze the impacts of oil and gas activities in critical wildlife areas before allowing drilling. I ask unanimous consent that these letters from the Western Governors' Association be entered into the RECORD.

Under the 2005 bill, the oil and gas industry is able to conduct drilling and other activities on public lands without first ensuring protection of wildlife and other resources. The original provision would have required agencies to avoid wildlife areas and follow appropriate laws to protect the environment.

I am disappointed that these modest reforms of the oil and gas industry's sweetheart package from 2005 were rejected.

Nevertheless, I support the reform provisions of this bill and I know that there will still be opportunity to address some of the shortcomings of the 2005 Energy bill as we move forward. Because once the public is fully aware of the consequences and immense impacts of the energy corridors designations and categorical exclusion provisions, they will demand action.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2007.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL: I write to urge you to keep the oil and gas management reform provisions of H.R. 2337, which contain several modest but important reforms to restore some semblance of balance to the federal government's oil and gas development programs.

As you are aware, the overall House Natural Resources Committee package will restore responsible stewardship to the development of our publicly owned oil and gas resources. Unfortunately, some of the criticism from opponents of these provisions misrepresent the content and anticipated consequences of these provisions.

These provisions will not increase oil and gas prices. In fact, oil prices respond to global market forces of supply and demand, not whether or not oil and gas operators on public lands are required to pay a small administrative fee to obtain drilling permits, or a dollar per acre fee to discourage speculation, or post bonds to repair the damage done by development to fish and wildlife resources, or make sure private property owners are treated fairly, or whether environmental values are properly protected.

It has also been alleged that the oil and gas language in H.R. 2337 would ''limit energy development on the public lands in the Intermountain West.'' In fact, no provisions in H.R. 2337 limit any company's access to federal lands for oil and gas activities in the region.

Of particular concern to critics are provisions of the bill that provide some modest protection for the private property rights of private surface owners who do not own the federal oil and gas resources under their farms and ranches. These provisions would not give landowners a veto over oil and gas development, but would require lessees to minimize impacts on the surface. In addition, the critics apparently have a problem with requiring companies that drill on federal lands to protect water resources that might be impaired by their operations, and replace resources damaged by their operations. Critics also have a problem with requirement financial guarantees from operators on federal lands to ensure that they clean up after they have completed operations, and do not leave the clean-up bill for taxpayers to pay. None of these provisions will impair any company's access to federal oil and gas resources. They will, however, ensure the responsible development of these resources.

Other important provisions of the House Natural Resources Committee package are the language on energy transmission corridors and categorical exclusions. This language would require that a needs assessment of constraints and congestion in the West's transmission system for the transmission of various energy resources be finalized, and the data used when applicants apply for rights-of-way across federal lands. In addition, the provision contains some commonsense protections of sensitive areas and resources that could be impaired by the improper siting of transmission facilities. The provision for categorical exclusions ensures proper environmental review for oil and gas in critical wildlife areas.

In summary, the oil and gas management provisions of the House Resources Committee package contain a modest number of reforms that will help protect the wildlife, water resources and other environmental values and private property that can be impaired by irresponsible oil and gas development.

Sincerely,

RAÚL M. GRIJALVA,
Chairman, Subcommittee on National Parks, Forests and Public Lands.

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, June 5, 2007.

Hon. NICK RAHALL,
Washington, DC.

Hon. DON YOUNG,
Washington, DC.

DEAR CHAIRMAN RAHALL AND REPRESENTATIVE YOUNG: On behalf of the Western Governors' Association, we are writing in support of the proposed revised section 105 in H.R. 2337, ''Limitation of Rebuttable Presumption Regarding Application of Categorical Exclusion Under NEPA for Oil and Gas Exploration and Development Activities.''

In February 2007, the Western Governors' Association adopted Policy Resolution 07–01, ''Protecting Wildlife Migration Corridors and Crucial Wildlife Habitat in the West.'' The resolution urges Congress ''to amend Section 390. Subpart (b)(3) of the Energy Policy Act of 2005 to remove the categorical exclusion for NEPA reviews for exploration or development of oil and gas in wildlife corridors and crucial wildlife habitat on federal lands. By removing the categorical exclusion, appropriate environmental site analysis will be completed as necessary to protect crucial wildlife habitat and significant migration corridors located in the field of development.''

Subpart (b)(3) of section 309 of the 2005 Energy Policy Act is currently worded in such a manner that oil or gas wells could be drilled under a categorical exclusion, with no additional analysis, if ''an approved land use plan . . . . prepared pursuant to NEPA analyzed drilling as a reasonably foreseeable activity. . . .'' We are concerned that completion of an RMP after the five-year period that an EA or EIS covers, or before an EIS is completed for a developing field, would allow authorization of drilling under a categorical exclusion (Cat Ex), including in sensitive wildlife corridors and crucial habitat, with general provisions provided only by the RMP.

The Governors believe that the Categorical Exclusions authorized broadly under paragraph (b) of the Energy Policy Act may often be appropriate. However, with specific regard to subpart (b)(3), the Governors do not want their ability to require adequate mitigation in areas the States have identified as sensitive wildlife corridors and crucial habitat to be diminished or eliminated. Development of these sensitive areas obviously needs detailed disclosure and analysis of impacts to other resources, and the permits need to include avoidance and mitigation measures to protect those resources.

Although the Department of the Interior has worked fairly and inclusively with the states to date, the categorical exclusion provision in subpart (b)(3) of the 2005 Energy Act appears to provide a legal option to deny state fish and wildlife agencies the opportunity to protect and adequately manage fish and wildlife resources on BLM lands by authorizing oil and gas development without adequate analysis, disclosure and state agency involvement. Unless the problematic language in subpart (b)(3) is amended or removed, or an additional administrative process implemented to allow state fish and wildlife agencies an opportunity to recommend appropriate protection and conservation conditions to accompany permits to drill in sensitive wildlife corridors and crucial habitat, significant wildlife impacts could occur.

We believe the proposed revised section 105 in H.R. 2337 addresses this concern, and we therefore support the revised section 105. We do have concerns regarding subtitle (D), ''Ensuring Responsible Development of Wind Energy,'' that we will explain in a separate letter.

The Western Governors appreciate the Committee's efforts to address our concerns in section 105, and we look forward to working with you as the bill moves forward.

Sincerely,

M. MICHAEL ROUNDS,
Governor of South Dakota, Chairman.

DAVE FREUDENTHAL,
Governor of Wyoming, Vice Chairman, Lead Governor.

JANET NAPOLITANO,
Governor of Arizona, Lead Governor.

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, August 1, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of all of our colleagues in the Western Governors' Association, we are writing to express our extreme dismay about the removal over the weekend of a critical provision from the House Energy bill (H.R. 3221)—the revised section 105 of H.R. 2337 relating to the application of categorical exclusions under NEPA for oil and gas exploration and development activities. We expressed our strong support for this section in a separate letter sent in June (enclosed) and we strongly urge you to support Congressman Grijalva's amendment that would reinstate the language when the bill is brought to the House floor.

Section 105 of H.R. 2337 addresses an important concern we have with the indiscriminate use of categorical exclusions under NEPA for exploration or development of oil and gas in wildlife corridors and crucial wildlife habitat on federal lands. We believe that the categorical exclusions authorized broadly under paragraph (b) of EPAct may often be appropriate. However, we do not want our states to lose the ability to require adequate mitigation in areas we have identified as sensitive wildlife corridors or crucial habitats to be diminished or eliminated. Section 105 addresses our concerns and would allow appropriate environmental site analysis to be completed as necessary to protect these areas.

Accordingly, we applaud Congressman Grijalva for his efforts and we urge all Members of Congress to support his amendment to reinstate the revised section 105 in the bill. Thank you for your consideration of this request. We look forward to working with you on this and other Western issues in the future.

Sincerely,

DAVE FREUDENTHAL,
Governor of Wyoming,
Chair, WGA, Co-lead Governor.

JANET NAPOLITANO,
Governor of Arizona,
Co-lead Governor.

SPECIALLY PROTECTED AREAS POTENTIALLY IMPACTED BY WEST-WIDE CORRIDORS

ARIZONA

Agua Fria National Monument
Area 51 Proposed Wilderness
Belmont Mountains Proposed Wilderness
Black Canyon/Perry Mesa Proposed Wilderness
Castle Creek Wilderness Area
Chiricahua National Monument and Wilderness
Crossman Peak Proposed Wilderness
Eagle Tail Mountains Wilderness
Glenn Canyon National Recreation Area
Harcuvar Mountains Proposed Wilderness
Harquahala/Hummingbird Proposed Wilderness
Havasu National Wildlife Refuge and Wilderness
Hell's Gate Wilderness Area
Hell's Gate/Boulder USFS Roadless
Humming Bird Springs/Harquahala Wilderness
Ironwood Forest National Monument
Lake Mead National Recreation Area
Las Cienegas National Conservation Area
Lime Creek USFS Roadless
Mojave Wash Proposed Wilderness
Mount Nut Wilderness
New Water Mountains Wilderness
Padre Canyon USFS Roadless
Pine Mountain/Cedar Bench Wilderness
Saddle Mountain Proposed Wilderness
Saguro National Park and Wilderness Area
San Pedro Riparian National Conservation Area
Sand Tank Mountains Proposed Wilderness
Santa Rita/Whetstone/Middle Dragoon/Chiricahua USFS Roadless
Sonoran Desert National Monument
South Maricopa Mountain Wilderness
Strawberry Crater Wilderness
Swansea/Buckskin Mountain Proposed Wilderness
Swanzea Wilderness
Table Top Wilderness
Talon Tank Mountains Proposed Wilderness
Vermillion Cliffs NM and Paria-Canyon Vermillion Cliffs Wilderness
West Clear Creek/Fossil Springs/Mazatal Wilderness

CALIFORNIA

Adams Peak USFS Roadless
Beegum/West Beegum USFS Roadless
Benton Range/Glass Mtn./WSAs 102, 103
Bigelow Cholla Garden Wilderness
Bristol Mountinas Wilderness
Buffalo Smoke WSA
Burnt Lava Flow and Medicine Lake USFS Roadless
Cady Mountains WSA
California Desert National Conservation Area
Castle Craigs Wilderness
Castle Peak USFS Roadless
Chanchelulla Wilderness
Chidago Canyon Proposed Wilderness
Chinquapin USFS Roadless
Chuckwalla Mountinas Wilderness
Clipper Mountains Wilderness
Coyote Southeast and John Muir #9 USFS Roadless
Crater Mountain
Damon Butte USFS Roadless
Dead Mountain Wilderness
Deep Wells USFS Roadless
Dobie Flat/Lavas and Captain Jack USFS Roadless
Dog Creek and Backbone USFS Roadless
El Paso Mountains Wilderness
Excelsior USFS Roadless
Golden Trout Wilderness
Grouse Lakes USFS Roadless
Headwaters Forest Preserve
Hollow Hills Wilderness
Jacumba Wilderness
Joshua Tree National Park
Mayfield USFS Roadless
Mecca Hills Wilderness
Mojave National Preserve
Mt. Lassic USFS Roadless
Newberry Mountains Wilderness
Orocopia Mountains Wilderness
Owens Peak Wilderness
Paiute and Inyo Mountains USFS Roadless
Piute Mountains Wilderness
Rodman Mountains Wilderness
Sacatar Trail Wilderness
Salt Gulch/Chanchelulla USFS Roadless
Santa Rosa/San Jacinto Mountains National Monument
Slate Creek USFS Roadless
Soda Mountain Proposed Wilderness
Soda Mountains WSA
South Fork and South Fork Trinity USFS Roadless
South Sierra USFS Roadless
South Sierra Wilderness
Trilobite Wilderness
Tule Mountain WSA
Volcanic Tableland Proposed Wilderness
Wonoga Peak and John Muir #12 USFS Roadless
WSAs 116 and 123
WSAs 99–101

COLORADO

Bushy Creek/Morrison Creek USFS Roadless
Canyon Creek/263 Rare 2 USFS Roadless
Craters of the Moon National Monument
Cross Mountain WSA and proposed additions
Curecanti National Recreation Area
Gunnison Gorge National Conservation Area
Kelly Creek/Byers Peak/James Peak USFS Roadless
Pinyon Ridge Proposed Wilderness
Sarvis Creek Wilderness
Skull Creek/Red Cloud Peak/ Willow Creek/Bull Canyon WSAs and Proposed Additions
South Shale Ridge/Cow Ridge/Little Bookcliffs Proposed Wilderness
Storm Peak USFS Roadless
Vasquez Peak and Byers Peak Wilderness
Weber-Menefee Mountain WSA and proposed additions
West Elk Addition Proposed Wilderness

IDAHO

Black Canyon WSA
California Trail
Continental Divide Trail
Craters of the Moon National Monument
Garfield Mountain USFS Roadless
Hagerman Fossil Bends National Monument
Italian Peaks/McKenzie Canyon/Sourdough Mountain/Four Eyes Canyon/Garfield Mountain USFS Roadless
King Hill Creek WSA
Mead Peak/Dry Ridge/Huckleberry USFS Roadless
Minidoka Interment National Monument
Oregon Trail
Shoshone/Lava WSAs
Snake River Birds of Prey National Conservation Area

MONTANA

Beaverhead-Deerlodge USFS Roadless
Black Sage WSA
Bridger/Crazy Mountain USFS Roadless
Continental Divide Trail
Grant-Kohrs Ranch National Historic Site
Henneberry Ridge, Bell/Limkilns Canyon, Hidden Pasture Creek WSAs
Humbug Spires WSA
Lazyman Gulch/Electric Peak/Whitetail/Haystack USFS Roadless
Lewis and Clark Trail
Skitwish Ridge/Graham Coal/Evans Gulch/Mt. Bushnell/Cherry Peak/Patricks Knob-North Cuttoff/South Siegle
Sleeping Giant/Sheep Creek WSAs
Wales Creek and Hoodoo Mountain WSAs

NEVADA

Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Wilderness Area
Blue Eagle/Riordan's Well WSAs
California Trail
Desert National Wildlife Refuge
Gabbs Valley Range WSA
Goshute Canyon WSA
Mount Limbo/Fox Range/Poodle Mountain WSAs
Old Spanish Trail
Pony Express Trail
Red Rock Canyon National Conservation Area
Sloan Canyon National Conservation Area
South Pequop WSA

NEW MEXICO

Aden Lava Flor/West Potrillo Mountains WSAs
Bisti/De-Na-Zin Wilderness
Bitter Lake National Wildlife Refuge
Bosque del Apache Wilderness
Cabezon/La Lena WSAs
Chupadera Proposed Wilderness Addition
Continental Divide Trail
El Camino Real de Tierra Adentro
Florida Mountains WSA and Proposed Additions
Greater Potrillos Proposed Wilderness Additions
Ojito Wilderness

Pena Blanca Proposed Wilderness
Penasco Canyon Proposed Wilderness
Pyramid Mountains/Gore Canyon/Granite Peak/Lordsburg Playa Proposed Wilderness
Salt Creek Wilderness
San Luis Proposed Wilderness
Sandia Mountain Wilderness
Sevilleta National Wildlife Refuge
Veranito WSA and Proposed Additions

OREGON

Alvord Desert/Bowden Hills WSA
Badlands WSA
Basque Hills/Rincon WSAs
Big Bend Mountain/Jones Creek Proposed Wilderness
Buckhorn Mountain/Maple Gulch/Soda Mountain Proposed Wilderness
Camp Creek WSA
Cascade-Siskiyou National Monument
Clackamus W&S River
Clarks Butte/Lower Owyhee Canyon WSAs
Cougar Well/Hampton Butte WSAs
Crane Mountain USFS Roadless
Devil Garden Lavabed WSA
Dry Mountain/Sundown Ridge/Upper Mill Creek/Coffeepot Creek/Cow Creek Proposed Wilderness
East Branch and West Branch of the California Trail
Fish Creek Rim WSA
Forks of the Walla Walla/Lookingglass Creek/Little Phillips Canyon/Moonshine Canyon-North Mount Emily/M
Guano Creek WSA
Hager Mountain/Benny Creek/Lower Sycan Butte/Whiskey Creek/Bryant Mountains Proposed Wilderness
Horse Camp Rim/Adobe Flat/Horse Shoe Meadows/Crane Mountain Proposed Wilderness
Lower Deschuttes W&S River
Mamaloose Lake/South Fork Clackamus/Mistletoe-Clackamus River/Big Bottom/Pinhead Butte Complex Propo
Mark O. Hatfield Wilderness
Oregon Canyon
Oregon Trail
Owyee W&S River
Pacific Crest Trail
Pine Mountain/North Pot Holes/Scattered Lava/Nameless Lava/Lower Ground Butte/West of Sand Spring/Firest
Steens Mountain National Conservation Area and Steens Mountain Wilderness
Umatilla National Wildlife Refuge
White W&S River

UTAH

418,000 units in Uinta/Ashley Forests USFS Roadless
Antelope Range Proposed Wilderness
Arches National Park
Arches Proposed Wilderness Complex
Beehive Creek/City Creek USFS Roadless
Behind the Rocks/Mill Creek Canyon WSAs
Bourdette Draw/Bull Canyon Proposed Wilderness
California Trail
Cedar Mountains Wilderness
Cove Mountain/Atchinson/Mogotsu/Gum Hill USFS Roadless
Desolation Canyon WSA and Proposed Additions
Grand Staircase-Escalante National Monument
Grassy Mountains S Proposed Wilderness
Lone Peak/Mount Timpanagos Wilderness
Mount Nebo Wilderness
Mountain Home Range/jackson Wash/The Toad/South Wah-Wah Proposed Wilderness
Old Spanish Trail
Price River/Lost Spring Wash Proposed Wilderness
Public Grove/Willard/Upper South Fork USFS Roadless
Rockwell WSA and Little Sahara Proposed Wilderness
Sand Ridge Proposed Wilderness
Square Top Mountain/Scarecrow Peak/Beaver Dam Mountains N and South/Beaver Dam Wash Proposed Wild
Stansbury Island Proposed Wilderness
Upper Kanab Creek/Vermillion Cliffs/Glass Eye Canyon/Timber Mountain Proposed Wilderness
Welsville Mountain Wilderness

WASHINGTON

Black Canyon Proposed Wilderness and USFS Roadless
Chopaka Mountain WSA
Granite Mountain/Tiffany Proposed Wilderness and USFS Roadless
Juniper Dunes Wilderness
Lake Roosevelt National Recreation Area
Lewis and Clark Trail
McNary National Wildlife Refuge
Nason Ridge/Entiat Proposed Wilderness and USFS Roadless
Oregon Trail

Mr. GORDON of Tennessee. Mr. Chairman, I rise in support of this legislation. Our Nation sits at a crossroads—we can follow the path of business-as-usual, or we can transform our energy paradigm by tapping into the Sun, the oceans, the Earth, and America's most abundant and renewable resource—the human spirit of innovation that has given us the standard of living we enjoy today.

The Committee on Science and Technology has worked hard to address our energy challenges, and passed twelve bipartisan, consensus-driven energy and environment research bills, seven of which are included in the legislation before us today.

My bill, H.R. 364 establishes an Advanced Research Projects Agency for Energy, or ARPA–E, which will focus on developing transformational energy technologies;

H.R. 906, The Global Change Research and Data Management Act introduced by Mr. UDALL and Mr. INGLIS, restructures Federal climate research to provide much needed information for developing response, adaptation, and mitigation strategies for communities and businesses;

H.R. 1933, also by Mr. UDALL, authorizes large-scale demonstrations of carbon capture and storage technologies, so that we may continue to use our vast resources of coal in a more environmentally benign way;

H.R. 2304 by Representative MCNERNEY will expand our existing geothermal energy R&D, in particular to develop Enhanced Geothermal Systems;

H.R. 2313 by Representative HOOLEY will give researchers in the field of Marine Renewable Energy the support they need to move experimental marine energy technologies to commercial viability.

H.R. 2773 introduced by Mr. LAMPSON will set forth new research on biofuels including studies on infrastructure needs and studies to improve the efficiency of biorefineries;

And finally, H.R. 2774 by Congresswoman GIFFORDS creates several important solar R&D programs, including programs on energy storage technology for concentrating solar power plants and solar energy workforce training;

Each of these pieces which are part of the package before us today will enhance our country's energy security and I commend my colleagues for their leadership and vision. The sheer scale and complexity of our energy challenge means that Congress should begin laying the groundwork today. I urge my colleagues to support this important legislation.

Ms. DeLAURO. Mr. Chairman, we know what is possible for our Nation, if we choose to move seriously and quickly down the path to energy independence. We know what this choice means.

Energy independence means demanding more efficiency and smarter technology for our cars, homes, businesses, and industry. Energy independence means investing in our communities and plugging their resources and workforce into vibrant, expanding markets.

It means developing new technologies that create new jobs through America's economic backbone: our innovation industries. If we want to make opportunity real for more Americans—if we want to keep our nation strong even as our new economy continues to change—there is no better way to do it, than by investing in a new energy future.

This bill—The New Direction for Energy Independence, National Security, and Consumer Protection Act—makes investments across the spectrum, to promote renewable energy, grow our economy, create new jobs, lower energy prices, and begin to address global warming. It is time to reduce our reliance on foreign oil—an addiction that threatens our environment, our economy, and our national security.

It is an ambitious initiative, to be sure, but nothing less will secure our nation's energy future. It is time to stop talking about energy independence, and start moving toward it.

We can do that today with this legislation, by providing a historic investment in homegrown biofuels and giving incentives for plug-in hybrid vehicles rather than Hummers. We can promote and improve the use of truly efficient products from mass transit and fleets of cars to lighting and buildings, and we are finally doing our part, to make the federal government a leader in reducing energy usage and greenhouse gas emissions.

But this is not just about specific provisions from today's important legislation. It is also a recognition that by embracing tomorrow's great challenges we create great opportunity. That when it comes to addressing those energy challenges—from the soaring price of gas to rising temperatures around the world to the dangerous actions of hostile regimes abroad—we need the right leadership with clear direction and bold vision. That there is nothing America cannot achieve if we put our minds to it, harnessing our future to our own spirit of ingenuity and innovation.

Mrs. CAPPS. Mr. Chairman, as a member of the Energy and Commerce Committee and the Natural Resources Committee, I rise in strong support of H.R. 3221, The New Direction for Energy Independence, National Security, and Consumer Protection Act.

Today, our economy relies on fossil fuels for energy and we simply must change that.

Even President Bush admits we're ''addicted to oil'' and that this addiction is harming our country.

The best way to beat this addiction is to stop using so much oil and gas by reducing demand, promoting renewables and alternative fuels, and encouraging smarter technologies.

Focusing more attention on the potential of clean energy is something that I and others on this side of the aisle have been advocating for years.

And since America is not exactly awash in oil and gas, reducing our dependence on them would be good not only for our environment, but for our economy and our national security as well.

But, to be honest, we have to do more than talk about the potential that clean and safe energy has for this country.

We have to provide the mechanisms to bring these energy sources to market and make changes in energy policy to encourage their use.

And that's exactly what H.R. 3221 does.

It encourages the efficient use of energy by creating new and stronger appliance and green building standards, and it promotes smart grid technology and plug-in hybrids.

It also takes important steps toward restoring sound stewardship to the management of our public lands by ensuring responsible domestic energy development.

And it creates a comprehensive framework to help address the negative impacts of global warming on our wildlife, public lands, oceans, and coasts.

While I greatly appreciate the hard work that has gone into crafting this legislation, I look forward to the House doing more.

Like increasing fuel economy standards for cars and trucks, increasing the use of homegrown renewables like wind and solar by requiring more electricity come from these resources, and adopting a national policy to deal with global warming.

Madam Speaker, the American people want real, meaningful solutions to our nation's energy challenges.

The leadership in the last Congress was driven by a futile desire to drill our way to energy independence.

It attempted to do that by lavishing huge tax breaks on Big Oil and neglecting efforts to reduce demand and encourage clean energy.

This bill delivers on the Democratic majority's promise of a new energy future.

It will strengthen national security, promote economic growth and create jobs, lower energy prices and begin to combat the serious threat of global warming.

I urge all my colleagues to support this legislation because it will pave the way to a cleaner and more sustainable energy future.

Ms. LEE. Mr. Chairman, I rise in strong support of H.R. 3221, the New Direction for Energy Independence, National Security and Consumer Protection Act.

This important legislation combines recommendations from 10 different committees to put us on a path to true energy independence.

It creates new energy efficiency standards to reduce demand; it supports the development and distribution of green power from renewable energy sources; and it spurs further innovation and research on alternative energy sources.

This is also a jobs creation bill designed to prepare the United States to compete in and help lead the green global marketplace of the future.

It trains a new generation of workers with green skills, it assists and empowers small businesses to cut costs and scale up innovative energy solutions, and it ensures that research investments in green technology will translate to new, good paying, green jobs.

This bill helps our nation respond to the growing threat of global warming by accelerating the use of renewable energy and cutting greenhouse gas emissions, encouraging mass transit, and expanding carbon capture and sequestration programs.

The bill also recognizes that we must lead by example at home and abroad. It requires the Federal Government to become carbon neutral by 2050, implements green building standards and greens Federal vehicle fleets; and it attempts to reengage us in binding global agreements to reduce greenhouse gas emissions.

Mr. Speaker these initiatives all build upon work that is already taking place throughout our great nation. In many ways the California Bay Area and my district in particular are at the forefront of innovation and research on alternative energy, climate change and the environment.

Ongoing research into alternative and renewable energy at UC Berkeley—one of the premier public universities in the country—holds the promise of a cleaner and brighter future for our children.

Businesses in my district have also taken the lead in greening their activities to reduce waste, improve energy efficiency, and save water—minimizing their impact on our environment.

Innovative programs funded in part through the City of Oakland are also training youth in my district about the importance of environmental stewardship and are providing them with new job opportunities and new career paths.

Community based organizations in my district have also taken the lead in advocating for environmental justice and equity for all our constituents.

Together our community is at the forefront of a robust environmental movement that is quite literally changing the world for the better.

I urge my colleagues to pass H.R. 3221 and to help accelerate these efforts in my district and throughout the Nation.

Mr. CONYERS. Mr. Chairman, I rise in strong support of H.R. 3221, The New Direction for Energy Independence, National Security, and Consumer Protection Act. This landmark Energy Independence legislation will help make our nation more secure by reducing our dependence on foreign oil; reduce costs to consumers by promoting greater efficiency and smarter technology; create new American jobs; and make our Nation a leader in reducing global warming.

H.R. 3221 reduces our dependence on foreign oil in a number of important ways. It makes the largest investment in history to improve how we grow, produce, transport, and store biofuels that will fuel our cars and trucks. It provides a plug-in hybrid vehicle tax credit for individuals and encourages the domestic development and production of advanced technology vehicles and the next generation of plug-in hybrid vehicles. The initiative also includes tax incentives for biking to work, encourages people to take mass transit, and promotes cleaner buses, ferries, and trains. In addition, H.R. 3221 repeals subsidies and tax giveaways to Big Oil.

The New Direction for Energy Independence, National Security, and Consumer Protection Act contains a number of provisions to lower energy costs to consumers, including landmark energy efficiency provisions that would save consumers and businesses at least $300 billion through 2030. It would reduce energy costs to consumers through more energy efficient appliances, such as dishwashers, clothes washers, refrigerators and freezers and assist consumers with improving efficiency of existing homes, as well as building energy efficient new homes. H.R. 3221 also extends existing tax credits for the production of renewable energy, including solar, wind, biomass, geothermal, hydro, landfill gas and trash combustion, as well as creating new incentives for the use and production of renewable energy.

The major investments in renewable energy technologies included in this bill have the potential to create 3 million new American jobs over 10 years. The bill creates an Energy Efficiency and Renewable Energy Worker Training Program to train a quality workforce for "green" jobs. To spur innovation, H.R. 3221 creates an Energy Department agency to coordinate high-risk, high-payoff energy technology research and development that private industry is not likely to pursue on its own. The bill increases loan limits to help small business develop energy efficient technologies and purchases; provides information and assistance to small business to reduce energy costs; and increases investment in small firms that are developing renewable energy solutions.

Finally, H.R. 3221 takes major steps to reduce global warming. Its energy efficiency provisions will not only save consumers and businesses money, but will also reduce carbon dioxide emissions by as much as 10.4 billion tons through 2030, more than the annual emissions of all of the cars on the road in America today. This initiative calls on the U.S. to re-engage and lead the global effort on a binding global warming agreement, with commitments from all the major emitters including China, India, and Brazil. Because the federal government is the largest energy consumer in the United States, the bill promotes federal leadership on reducing global warming by requiring federal government operations to be carbon-neutral by 2050. These provisions will save taxpayers $7.5 billion through 2030. Finally, this initiative takes aggressive steps on carbon capture and sequestration to come up with a cleaner way to use coal. The United States must lead the way in developing this critical technology to reduce global warming throughout the world.

I would also like to address the important amendment to this bill offered by Repesentatives UDALL and PLATTS, which I will support. The Udall/Platts amendment creates a national renewable energy standard (RES) requiring electric utilities to provide a gradually increasing amount of their electricity through the use of renewable energy resources. A national RES would save consumers billions of dollars from lower energy bills and create tens of thousands of new jobs.

The amendment's initial requirement, in year 2010, is 2.75 percent of a utility's electricity. This gradually increases to 15 percent by 2020. The amendment permits utilities to meet up to 27 percent of their targeted requirement through energy efficiency savings (the equivalent of up to 4 percent of the 15 percent requirement). It gives credit for existing renewables. In addition, utilities get credit for all actions taken pursuant to a state portfolio standard associated with renewable electric generation. I believe this gradual, flexible approach is a reasonable way to provide the right incentives and market signals to diversify our electricity supply with clean, renewable energy sources that will help keep our air and water clean and start us down a path that will combat global warming.

Ms. NORTON. Mr. Chairman, the Subcommittee on Economic Development, Public

Buildings and Emergency Management of the Transportation Committee has jurisdiction over General Service Administration, GSA, activities and programs as the property manager for the Federal Government. GSA itself owns over 1,500 Federal buildings comprising over 175 million square feet of space. The agency leases another 7,100 buildings with a total rentable area of over 176 million square feet of space. Because GSA is a lease holder for the vast majority of office space controlled by the Federal Government, the agency can also have a pivotal role in energy conservation in the private sector as well.

According to a September 2006 Department of Energy report, the public and private building sector together account for an amazing 39 percent of total U.S. energy consumption, more than both the transportation and industry sectors. Even more surprising public and private sector buildings, like those under our jurisdiction, are responsible for 71 percent of U.S. electricity consumption. These buildings in the United States alone account for 9.8 percent of carbon dioxide emissions worldwide. U.S. buildings are responsible for nearly the same amount of carbon emissions as all sectors of the economies of Japan, France, and the United Kingdom combined.

The Federal Government is the world's single largest energy consumer and the most prolific in wasting energy in the world today. Yet, for years our Government has pursued and achieved energy savings that demonstrate that we are capable of moving with far greater results. Primary energy use by the Federal Government, for example, fell 13 percent during the past 20 years, with a 25 percent decrease in energy costs in real terms, despite a 27 percent increase in fuel prices in the U.S. in 2005. In this bill, we begin to build on these results.

Subtitle A of Title VI offers simple yet very effective measures to immediately effect energy consumption in Federal buildings. The title includes a provision to direct the Administrator of General Services to install in newly constructed or newly renovated Federal buildings energy efficient lighting fixtures and light bulbs. Further, it also directs the Administrator of General Services, in the course of routine maintenance of Federal buildings, to replace existing bulbs and fixtures with more energy efficient fixtures and bulbs.

Title VI also requires that GSA include in the prospectuses for construction or alteration, submitted to Congress for approval, information about building energy performance and renewable energy systems. This provision will enable the Transportation and Infrastructure Committee to examine anticipated energy consumption in new Federal buildings to make sure the buildings meet the highest standards possible.

Further Title VI authorizes the Administrator of GSA to sign utility contracts for not more than 30 years. This one provision will allow the GSA a longer time frame to hedge against increasing electricity prices in the market. The longstanding trend in electricity pricing is ever-increasing inflationary pressure as time advances. Thus a longer power purchase agreement, PPA, secures a fixed rate for a longer period and provides greater insulation against inflationary trends.

As a final provision, Title VI contains the language to authorize the installation of the photovoltaic wall at the Department of Energy headquarters building here on Independence Ave. and provides funding for this historic project from the Federal building fund at the General Services.

Subtitle C of Title VI deals with the Architect of the Capitol and authorizes the Architect of the Capitol to perform a feasibility study regarding the installation of a photovoltaic roof on the Rayburn House Office Building. Further Subtitle C authorizes the Architect to construct a fuel tank and pumping stations for E–85 fuel at or within close proximity of the Capitol grounds. The Architect is directed to include energy efficient measures and renewable energy in the Capitol Complex Master Plan and transmit a report to the Transportation and Infrastructure Committee on the energy efficient measures, climate mitigation measures, and other environmental measures included in the Master Plan.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the amendment offered by Mr. HOYER. In particular, this Manager's package includes two provisions submitted as an amendment by the Committee on Transportation and Infrastructure: a provision to help maximize the energy efficiency of the Capitol Power Plant, CPP, and a provision to help expand intercity bus service. I thank the Speaker and the gentleman from Maryland for including these important enhancements to the bill.

This amendment requires the Architect of the Capitol to operate the steam boilers and the chiller plant at the Capitol Power Plant in the most efficient manner possible. Adopting these changes will reduce the carbon emissions and energy required to operate the building of the House of Representatives and result in cost savings for the American people.

This provision implements recommendations outlined in the final report on the ''Green the Capitol'' initiative, which was issued and submitted to Congress on June 21, 2007. The recommendations draw on the research conducted by the Department of Energy's Lawrence Berkley Laboratory, LBL, on the operating practices of the CPP. According to this research, operation of the House buildings was responsible for approximately 91,000 tons of Carbon Dioxide-Equivalent Emissions (CO_2–e) emissions in fiscal year 2006. This value is equivalent to the annual (CO_2–e) emissions of 17,200 cars.

The LBL study determined that the current CPP practices do not take into account operating differences by season. Specifically, the chilled water temperature could be raised in the winter when less cooling is needed and the steam pressure could be lowered in the summer when less heat is needed. The level of steam pressure could be lowered overall because energy needs in the buildings have decreased over time.

The estimated cost of fine-tuning the steam pressure used to supply House office buildings is approximately $10,000 and results in an annual savings of $417,000 per year. The costs of tuning the boilers could be recouped in direct energy savings in just 1 week. The anticipated costs for optimizing the chilled water distribution to the House office buildings is approximately $25,000 and could save about $340,000 annually. The costs of this effort could be recouped in direct energy savings in just 1 month.

The amendment also will require the Architect of the Capitol to ensure the accuracy of the steam and chilled water meters in the House office buildings as part of standard maintenance practice, to maximize energy efficiency.

These are small changes, but they stand to have a big impact on improving the energy efficiency of the Capitol Power Plant, and in turn, reduce the energy consumption required to operate House buildings. This amendment allows the Federal Government to lead by example in the promotion of energy efficiency.

The Manager's package also makes technical corrections to the section of the bill authorizing grants to improve public transportation services. The bill provides that grant funds are to be used either to reduce public transportation fares or to expand public transportation service in both urban and rural areas. However, current law authorizes intercity buses to provide public transportation services between rural areas in order to provide additional, meaningful transit services to those areas. Therefore, in order for the grant funds provided under this bill to be used for eligible purposes under current law, this technical amendment is needed to authorize intercity bus services as an eligible use of grant funds.

I strongly support this amendment and urge its adoption.

Mr. ALLEN. Mr. Chairman, if this Congress is serious about wanting to address the causes and consequences of climate change, then it is critical that we invest in the infrastructure we need to monitor and forecast that change.

Earlier this year I introduced H.R. 2342, The National Integrated Coastal and Ocean Observing System Act of 2007. This important legislation would create an integrated ocean observing, monitoring, and forecasting system, modeled after Maine's Gulf of Maine Ocean Observing System, that could save lives and billions of dollars annually.

I am pleased to announce that my bill has been included in this energy bill, H.R. 3221. I commend Speaker PELOSI and Chairman RAHALL of the Natural Resources Committee for their leadership and foresight in including this legislation to give all of our citizens tools that they need to plan for and adapt to global climate change.

In addition to monitoring and forecasting climate change, the Ocean Observing System would protect coastal communities and protect the economic interests of ocean-going industries like shipping and commercial fishing by improving warnings of tsunamis, hurricanes, coastal storms, El Niño events, and other natural hazards.

I applaud this and other climate change provisions in the bill and I urge my colleagues to support it.

Mr. PETRI. Mr. Chairman, I want to take this opportunity to highlight and express my support for a provision included in H.R. 3221 that would establish a solar demonstration project.

U.S. industry has begun to commercialize a number of devices such as solar light tubes, which use solar concentrators, reflectors and lenses, light fibers, and other technologies to direct natural light into buildings, tunnels and other enclosures to augment or replace light from traditional fixtures.

Sec. 4306 of this bill would establish a research and development program to provide

assistance in the demonstration and commercial application of direct solar renewable energy sources to provide alternatives to traditional power generation for lighting and illumination, including light pipe technology, and to promote greater energy conservation and improved efficiency.

This type of technology presents an economically feasible and affordable solution for the private and public sector to reduce its reliance on the electrical grid. This in turn will have positive effects on both the environment and our overall demand on traditional power sources.

I have visited a company in my district which is engaged in very innovative and cost efficient light technology, and there are many other such efforts around the country that are developing exciting new products. As we look to diversify our energy sources, we need to enact policies that make it easier to harness the power of the market and spur the entrepreneurial and innovative sector of this country.

If we get this right, the United States will gain an even greater competitive advantage around the world while becoming less reliant on other countries—all in an environmentally responsible manner.

When we go to conference, I urge that this important demonstration project be included in the final conference report.

Ms. MATSUI. Mr. Chairman, the debate over our Nation's energy policy is both a national and a local one. Energy policy impacts our national security, our international trade balance, and our relations with other countries.

At the same time, energy policy reaches into every single State, county, and Congressional district.

The energy bill we consider today recognizes this fact. It makes significant investments in the new energy sources, research, and technology that will power our economy in the future. It revolutionizes our energy policy at the national and local levels. And it improves the way local communities around the country use, generate, and conserve power.

In my hometown of Sacramento, energy is an especially important local issue. Sacramento is located at the confluence of two mighty rivers, and at the base of a large watershed. This leaves us vulnerable to catastrophic floods that are made more likely because of global warming. The more we burn fossil fuels for energy, the higher our flood risk.

In Sacramento, changing our national energy policy means reducing our dependence on foreign oil, preserving our environment, and stopping global warming. It also means protecting our homes.

Mr. Chairman, the people of Sacramento are eager to change their energy consumption habits. In fact, we have already made significant investments in a new energy economy.

Sacramento has a growing clean-energy industry that is poised to take off. Our local utility produces significant electricity from solar, wind, and methane gas sources. Every day, more and more of the Sacramento region's homes, businesses, and vehicles are powered by renewable energy.

But my constituents need help from the Federal Government. That is why I am so proud to stand before the House today in support of this energy package. The investments it makes in clean energy complement and support what is already happening in Sacramento.

The bill's tax incentives for renewable energy bonds are crucial for my local electric utility. The biofuels that will be developed because of this legislation will power my constituents' cars. The people I represent will work in some of the 3 million new green-collar jobs it creates. My constituents will find it easier to take public transit because of the Transportation and Infrastructure Committee's title.

This energy bill helps Sacramento continue to lead our country's energy revolution, Mr. Chairman. Our Nation and our energy supply will be more secure once we pass it.

I urge my colleagues to support this landmark legislation.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Sarbanes-Wolf amendment to H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act.

The Sarbanes-Wolf amendment requires Federal agencies to improve their telework programs to allow more employees to participate in telework. This amendment is a positive addition to the bill we are considering today. Telework plays an important role in reducing energy consumption, air pollution, and traffic congestion.

Telework has a number of benefits beyond energy savings, including cost savings for agencies and better scheduling flexibility for employees.

Greater use of telework can also allow the Federal Government to function in the event of an emergency, whether it is a natural disaster or a terrorist attack. During Hurricane Katrina, a number of Federal workers were displaced and had to scramble to find alternate worksites. Last year, the IRS headquarters building was closed due to flooding and IRS employees had to work from home or from other offices. Effective telework programs can help agencies better respond to these situations. Yet, despite these benefits, some agencies continue to underutilize telework.

In 2000, Congress mandated that each executive agency "establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance."

According to the most recent survey by the Office of Personnel Management, only about 119,000 of the approximately 2 million Federal employees participated in telework in 2005. That is even with OPM counting employees who only teleworked once per month.

This amendment ensures that every Federal employee is eligible to telework unless they have a job that cannot be done from home or from an alternate worksite.

This amendment is needed because although some agencies have successful telework programs, there are agencies that do not appear to be doing all they can to make telework available to employees. For example, according to the Department of Transportation, of the over 43,000 employees that work at the Federal Aviation Administration, only about 13,000 are eligible to telework. That is just 30 percent of FAA employees. There are also agencies that are not doing enough to inform management and employees about telework programs.

This amendment addresses one of the biggest challenges to telework identified by agencies, resistance from management. Under this amendment, agencies are required to provide telework training to managers and new employees. This amendment also requires agencies to directly notify employees in writing of their eligibility for telework programs.

This amendment will provide needed improvements to Federal telework. This amendment is an important step in reducing the Federal Government's energy use. I urge my colleagues to support the Sarbanes-Wolf amendment.

Mr. McNERNEY. Mr. Chairman, today is a landmark day for our country's path towards energy indepence, and I would like to thank my colleagues and the committees that have worked so hard to make enactment of this forward-thinking legislation possible. H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, marks a major step towards a secure, sustainable energy future.

Mr. Chairman, I am fortunate to serve on three committees that contributed significantly to the bill we are considering, and I have seen the tremendous collaboration that went into the creation of this comprehensive legislation. And as someone who has spent more than two decades working with wind energy and other forms of new energy technologies, I am particularly proud of our work here today.

Not only is the energy package we are debating today good for our environment and good for our security, it is also good for our economy. Estimates are that clean energy technology could create almost half a million new jobs—an entire spectrum of good-paying American jobs.

In addition, I am pleased that my bill, H.R. 2304, the Advanced Geothermal Energy Research and Development Act, has been included in this energy package. Geothermal energy is one of the most promising renewable energy sources, and it has the potential to generate vast amounts of clean electricity.

Geothermal, which utilizes the earth's natural heat, provides constantly-available baseload power, not limited by factors such as sunlight or wind conditions. Additionally, geothermal energy is 100 percent domestically produced—truly helping to lead our Nation to energy independence.

To extract geothermal energy today, engineers must tap into pre-existing water reservoirs near the surface. However, recent research indicates that new geothermal resources called Enhanced Geothermal Systems, or EGS, could greatly expand geothermal use and potentially generate as much as 100 gigawatts of power in the next half century. That is enough clean, environmentally friendly energy, to power 75 million homes.

EGS is in the early stages of development, and H.R. 2304, which has been incorporated into the bill we are debating today, authorizes Federal assistance for the research and development needed to make EGS both technically feasible and economic.

I would request that all of my colleagues join me in supporting the energy package before us today.

Mr. BUTTERFIELD. Mr. Chairman, I am proud of the Democratic majority for its boldness in bringing this Energy Bill to the House floor on this Saturday morning.

You know, 20 years ago it was the academics that were talking about energy independence and climate change. Today, it is a

conversation all across America and the American people are expecting us to do something about it.

This Energy Bill is not a perfect bill but it is a responsible piece of legislation. It represents the views of competing interests and it begins us on that long road to energy independence.

My State of North Carolina is eager to be part of developing solutions. We have lost over 100,000 textile jobs since 1997. This legislation will usher in significant job creation that will replace some of the lost jobs. Microcell Corporation is a hydrogen fuel cell company in my district that's made a giant leap and is now ready to produce their cells on a large scale. With this breakthrough, over 1,000 good paying jobs will be created in this rural district.

I am proud to tell you that our State legislature has enacted an ambitious Renewable Portfolio Standard that is reasonably related to our ability to reach energy independence. Other states have done the same thing and others will do so as we move in this new direction.

Finally, I am proud to be a part of an effort to include Historically Black Colleges and Universities in the research and development of Cellulosic Ethanol for transportation fuels. These institutions have wanted to be part of developing ethanol from biomass but they have not had the opportunity.

This bill makes $50 million available for minority serving institutions to engage in this research on a competitive basis. I introduced this concept to the Energy and Commerce Committee and I am proud that we finally reached a bipartisan agreement to include this language in the final bill.

I urge my colleagues to vote for final passage.

Mr. UDALL of Colorado. Madam Speaker, as a cosponsor of H.R. 3221 I rise in strong support of this very important legislation. It will begin the process of putting our country on a path toward energy independence, increased national security and economic growth, and addressing global warming. When combined with the legislation from the Ways and Means Committee, it will provide long-term incentives to boost production of electricity from renewable sources, including wind, solar, biomass, geothermal, river currents, ocean tides, landfill gas, and trash combustion resources.

Other incentives will help expand production of homegrown fuels such as cellulosic ethanol and biodiesel and encourage more E–85 pumps to supply flex-fuel vehicles. The bill will encourage manufacturers to build more efficient appliances, help working families afford fuel-efficient plug-in hybrid vehicles, and help businesses create energy-efficient workplaces. It will encourage deployment of renewable energy by enabling electric cooperatives and public power providers to use new clean renewable energy bonds to help finance facilities to generate electricity from renewable resources. And it will help states leverage tax credit bonds to implement low-interest loan programs and grant programs to help working families purchase energy-efficient appliances, and make energy-efficient home improvements. Further, the bill will create an Energy Efficiency and Renewable Energy Worker Training Program to train Americans for good ''green'' jobs that will be created by new renewable-energy and energy-efficiency initiatives.

I am glad the bill includes a requirement for a Renewable Electricity Standard (RES), added by an amendment by my cousin Rep. TOM UDALL, Rep. TODD PLATTS, and others, including myself. This is a great victory—the first time an RES has ever passed the House of Representatives—and it means that despite the strong opposition of those who prefer the status quo, the movement for positive change has grown stronger. Implementing a national RES will benefit rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

There are many other good provisions—but I am particularly proud of parts originating in two Committees on which I serve, which include many provisions based on legislation I introduced.

SCIENCE AND TECHNOLOGY COMMITTEE PROVISIONS

The part of the bill developed by the Committee on Science and Technology includes provisions from two of my bills that will help us mitigate and adapt to climate change, although the bill does not directly address reducing the greenhouse gas emissions that contribute to climate change.

GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT

Although we know that climate change is occurring, we still need economic and technical information as well as information about system responses and climate responses to design cost effective policies will achieve emissions reductions and avoid dangerous impacts of future climate change. Subtitle G, the Global Change Research and Data Management Act of 2007, will help provide this information. It will update and improve the U.S. Global Change Research Program (USGCRP) to provide more user-driven research and information. The USGCRP coordinates federal climate change research and has contributed much to our understanding of climate change since its creation in 1990—but we now need to expand this information and tailor it to the needs of decisionmakers confronted with management and mitigation challenges. I would like to thank my colleague, Mr. INGLIS from South Carolina, who is an original cosponsor on the bill that this provision is based on, for his help in improving this language.

CARBON SEQUESTRATION RESEARCH

Carbon sequestration is one promising technology to help us address climate change. Coal and other fossil fuels have been and will continue to be an important energy source for our country, but coal burning power plants are also a major source of greenhouse gas emissions and other pollutants. The carbon capture and storage research, development, and demonstration program authorized in this bill will help us tackle this challenge. This provision will authorize the Department of Energy to conduct two separate projects, with up to five projects for carbon capture and up to seven projects to test for large-scale carbon dioxide injection and storage. Not only will this help us develop this technology and make it more economical, it will also help us understand the implications of storing large amounts of carbon dioxide underground.

We must begin to address the climate change challenge, but we must not cause irreparable harm to our economy in the process. Both of these research provisions will help ensure that we have the technology and the information to address climate change.

NATURAL RESOURCES COMMITTEE PROVISIONS

The part of the bill developed in the Natural Resources Committee will ensure greater accountability from companies drilling for oil and gas on federal lands by, among other things, requiring more audits to ensure American taxpayers received all royalties owed and by ensuring companies that were erroneously given royalty-free leases for drilling will pay fair royalties. This part of the bill also authorizes a nationwide assessment of geological formations capable of sequestering carbon dioxide underground and a review of the potential for carbon sequestration in ecosystems. It calls for development of a national strategy to assist wildlife populations and their habitats and provides states with new funding to assist wildlife in adapting to global warming.

It also has sections based on my bill, H.R. 1180, the ''Western Waters and Farm Lands Protection Act'' regarding protection of surface owners, reclamation, and protection of water supplies.

SURFACE OWNER PROTECTION

In many parts of the country, the owner of some land's surface does not necessarily own the underlying minerals. And in Colorado and other Western States, those mineral estates often belong to the federal government while the surface estates are owned by others, including farmers and ranchers. This split-estate situation can lead to conflicts. The surface-owner provisions are intended to address this issue by establishing a system for development of federal oil and gas in split-estate situations. It requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing developments related to such leases. In addition, it requires that anyone proposing to drill for federal minerals in a split-estate situation must first try to reach an agreement with the surface owner that spells out what will be done to minimize interference with the surface owner's use and enjoyment and to provide for reclamation of affected lands and compensation for any damages. It is important to note that a surface owner ultimately could not block development of oil or gas underlying his or her lands. While I support development of energy resources where appropriate, I also believe that this must be done responsibly and in a way that demonstrates respect for private property rights. That is what this part of the bill is designed to accomplish.

RECLAMATION REQUIREMENTS AND WATER PROTECTION

Another part of the bill addresses reclamation of affected lands. It would amend the Mineral Leasing Act by adding an explicit requirement that parties that produced oil or gas (including coal-bed methane) under a federal lease must restore the affected land so it will be able to support the uses it could support before the energy development. Toward that end, this part of the bill requires development of reclamation plans and posting of reclamation bonds. The bill also requires oil and gas operators to give the protection of water a priority by requiring them to submit a plan for water management when they file for a permit to drill. It also provides that oil or gas operators who damage a water resource—by contaminating it, reducing it, or interrupting it—must remedy the damage or provide replacement water to the water users. And it specifies that water produced under a mineral lease must be dealt with in ways that comply with all federal and state requirements and includes language making clear it will not affect state water laws.

Water is a precious commodity in the arid, drought-ridden West—as important as our energy resources. We must not sacrifice our water in our zeal to develop oil and gas resources. This bill will help ensure it will be protected and reclaimed as we produce domestic energy supplies.

OIL SHALE

The bill also includes provisions I helped develop regarding future commercial-scale development of oil shale. They are intended to make it more likely that any commercial development of oil shale occurs in an orderly way that takes full advantage of the important research and development work now underway.

Under these provisions, the BLM would not be faced with an unrealistic deadline for finishing the programmatic environmental impact statement that is now being prepared, but they would still have to go ahead and finish it. Then, the BLM will have a year—not just 6 months, as under current law—to prepare commercial leasing regulations. And, instead of final regulations, these will be proposed regulations, with at least 120 days for people in Colorado—and everyone else—to review and comment on them. The new bill also calls for developing an overall strategy for sustainable and publicly acceptable large-scale development of oil shale in Colorado, Utah, and Wyoming, and it retains the current law's requirement for consultations with the Governors of Colorado, Utah, and Wyoming before any commercial leases are issued.

I believe the environmental analysis being done by BLM will help everyone understand what will be involved in any commercial leasing program, even though it cannot and will not answer all the questions. But I believe that the timing of any oil shale development under the provisions of this bill will be a better way to proceed and more likely to yield a good result, as will the part of the bill that makes it clear that full environmental review will be required prior to issuing any specific commercial lease, which will remove doubts and lay the right foundation for future decisions.

OIL SHALE FUND

In addition, the bill includes (in a separate part) the provision that I added in the Natural Resources Committee to establish a fund to help local governments pay for infrastructure and services made necessary by future commercial oil shale development. This provision reflects my concern about what large-scale commercial development of oil shale can mean for Colorado's Western Slope and the problems it could bring to that mostly rural part of our state. Coloradans remember the seriously disruptive economic impacts on our communities from previous oil shale development efforts. I think the federal government—if it is going to promote development of this resource again—should also learn from that experience and help mitigate any potential impacts from an oil shale program. That's what this provision is designed to accomplish.

ROAN PLATEAU PROVISIONS

Finally, I must mention the section dealing with the Roan Plateau planning area, in Colorado, which Representative JOHN SALAZAR and I worked to have included. The Roan Plateau is not just another place. Nearly a century ago, it was set aside because President Wilson thought someday we would need its oil shale to fuel the Navy's ships. Of course, that didn't happen—and the area was mostly untouched until 1997, when Congress transferred it from the Energy Department to the Interior Department's Bureau of Land Management, or BLM. Since then, the BLM has leased 12,000 acres for oil and gas drilling and has worked on developing a plan for the rest. The bill would not affect any of the lands that have already been leased. And it would not even affect all of the lands that are still untouched. Instead, it would affect only the Federal lands on the top of the plateau—the highest and most sensitive part of the area.

It deals only with the lands on the top of the Roan Plateau itself. That's where you find the stands of aspen and spruce trees and the headwaters of streams that support five rare, pure populations of our native cutthroat trout, in stretches above and below two of Colorado's highest waterfalls. And those lands on top are the prime places for wildlife, including herds of deer and elk. That's why they are so important to hunters and anglers—not just from the Western Slope but many visitors as well—who every year generate millions of dollars for the local economy. And that's why protecting them is supported by sportsmen and sportswomen—for example, the Colorado Chapter of the Backcountry Hunters and Anglers—and such groups as Trout Unlimited as well as by many other people across Colorado—from Battlement Mesa and Basalt to Silt, Salida, and Saguache—who want to slow BLM's rush to lease every last inch of the Roan Plateau.

Neither Rep. SALAZAR nor I am against energy development. But we are for balance. There is an energy boom in Colorado, with the administration pushing BLM to lease as much and as fast as possible, although thousands of acres already under lease remain undeveloped. As we develop the energy we need, we should remember that places like the Roan Plateau are important not just for their riches of oil and natural gas but also for riches in the form of streams, trees and other plants, and the fish and wildlife populations that depend on them for habitat. We need to assure that the energy ''boom'' does not mean a ''bust'' for those values—for from that bust there may be no recovery. That is the rationale for the Roan Plateau section of this bill. It does two things. First, it requires that each lease of federal land on the top of the Roan Plateau have a ''no surface occupancy'' stipulation. That means the oil, gas, or other minerals must be accessed from another location through directional drilling—for example, from non-federal lands or lands elsewhere in the Roan Plateau planning area.

Second, this part of the bill requires the Treasury Department to report how much has been collected in royalties from already-leased lands in the Roan Plateau planning area, and requires the Interior Department to tell us how much work remains to be done to clean up contaminated areas so as to recoup the funds the federal government spent for infrastructure in the lands before they were transferred to the Interior Department. To understand the reason for requiring these reports, remember the terms under which the lands were transferred from the Department of Energy. To pay for needed cleanup work and to recover infrastructure costs, the transfer legislation says the normal sharing of mineral royalties with the relevant State will not start until it is certified to Congress that the federal government has received enough to cover (1) The cost of all needed environmental restoration, waste management, and environmental compliance activities, (2) the costs incurred to install wells, gathering lines, and related equipment and (3) any other costs incurred by the United States on the lands. The required reports will provide Congress with an update of the amount of royalties that have been collected and how much work remains to be done. With that information, we will have a better idea of whether the time has come to revisit the transfer act with an eye to allowing the State of Colorado to start receiving part of the royalties from mineral leases in the area.

Madam Speaker, I have been working for several years to achieve passage of the surface-owner, reclamation, and water-protection provisions of this bill. And Representative SALAZAR and I have worked to protect the most sensitive part of the Roan Plateau. These provisions help provide for balance in energy development in Colorado and across the West and were developed through listening to the concerns of landowners, water users and communities. I strongly urge their approval—along with the rest of this excellent legislation—by the House.

Mr. CASTLE. Mr. Chairman, the work of this Congress will not be complete until we act to tackle our greatest hurdle in this area, climate change. While this energy bill moves us closer to a cleaner and more sustainable energy future for the 21st century, we must not stop short of enacting a comprehensive global warming plan that places mandatory limits on harmful global warming pollution.

At a time when the oil and gas industry continues to see record profit, the tax package, H.R. 2776, which includes provisions similar to those that passed the House in January, would repeal oil and gas tax breaks and use the revenue to promote the renewable energy production and use; energy efficiency in residential property; and bonds for state and local governments to fund energy conservation efforts, among many other new incentives. I am pleased the legislation includes a long-term extension of the renewable production tax credit, however, I oppose the cap placed on the credit for wind, and hope that agreement on a straight extension of the current credit will be reached during negotiations with the Senate.

H.R. 3221 takes preliminary steps toward a more secure, diverse, and domestic energy portfolio that will help spur investment in new technology. The legislation repeals royalty relief for oil and gas producers on leased federal land and takes preliminary steps to address climate change. The bill restores protections to public lands that will continue to allow oil and gas development while better protecting fish and wildlife, and water resources. It sets new efficiency standards for appliances, lighting and buildings, while authorizing billions for the research and development of sustainable energy sources and alternative fuels. And, it authorizes funding for research and development: for the higher production of biofuels, like cellulosic ethanol, which can be an economic driver in rural communities; and for carbon capture and sequestration, an essential element in addressing climate change, particularly in the U.S. where coal is abundant.

Offshore wind can play an important part in diversifying the nation's energy supply and easing our demand for fossil fuels. For this reason, I proposed an amendment to require

the agency charged with developing new rules for new offshore wind energy production to update Congress on their progress. These guidelines are long overdue and are not expected to be ready for over a year. We need to know the reason for the delay and what can be done to move things along, so communities wishing to invest in this clean, renewable technology can move forward. This is of critical importance to the state of Delaware who has not only agreed to produce 20 percent of its electricity from renewable sources by 2020, but has made a strong commitment to offshore wind resources as a component of its energy portfolio. Without these rules, promising offshore wind projects are being delayed across the country at a time when additional clean energy could curb air pollution and climate change. I look forward to working with the appropriate agencies to make sure our renewable energy resources are developed in a timely and environmentally friendly manner.

I also supported a key amendment to create a 15 percent national renewable electricity standard, which will help lower energy costs, create new jobs and help diversifying our energy supply with clean, renewable sources, like wind and solar energy. This standard will hopefully begin to ease pressure on natural gas prices and help reduce carbon emissions quickly. While I am a cosponsor of legislation to create a 20 percent national renewable electricity standard, complimenting Delaware's recently adopted standard, this compromise is the first step in engaging with the Senate on this critical issue.

I regret that the House did not follow the lead of the Senate to tackle increasing vehicle fuel economy. Reasonable CAFE standards are both achievable and practical—and there is no question they would have a positive impact on fuel consumption in this country. While the issue of raising CAFE standards is not new and the proposals for how it should be achieved differ, it is my hope Congress will come to an agreement on a proposal that is both ambitious and achievable.

In the end, I supported the energy package, because it represents important progress, but we clearly have much further to go. In fact, scientists say that if we are to have a good chance of avoiding potentially catastrophic repercussions of climate change, we must reduce emissions 60 percent to 80 percent by 2050. Through cap-and-trade, based on a sound energy policy foundation, Congress can deliver the kind of reform business and industry need to grow the economy, stabilize the climate, and create more diverse and secure sources of energy. I sincerely hope the Speaker keeps the commitment to address this critical issue when the Congress returns in the fall.

Mr. LANGEVIN. Mr. Chairman, it is with great pride that I rise in support of H.R. 3221, which will help our nation take a major step toward energy independence. I applaud the hard work and dedication of Speaker PELOSI, Majority Leader HOYER and the Democratic leadership, as well as of the ten committees that contributed to this historic legislation, which I am proud to cosponsor.

The Democratic Congress has made it a priority to enact a forward-thinking energy policy that will strengthen our Nation. In January, the House passed H.R. 6, the CLEAN Act, which laid the framework for a new energy policy that guarantees access to affordable power, encourages energy conservation efforts, and pursues increased use of environmentally responsible and renewable sources of energy. Today we take the next step in that endeavor by considering H.R. 3221. This comprehensive bill includes a multitude of innovative programs and common-sense solutions to improve energy efficiency, invest in groundbreaking technologies, create the necessary infrastructure for alternative fuels and ensure that our workforce is properly trained for the economy of the future.

As I have said many times, we cannot dig or drill our way out of our energy crisis. We need new strategies to develop sources of energy that will move our Nation away from our reliance on oil and gas. This effort will benefit our environment by reducing our greenhouse gas emissions, our economy by creating new industries and jobs, and our national security by reducing our dependence on foreign oil. Our nation has a history of successfully accomplishing great tasks when we work together, such as when we united to put a man on the moon. We need a similar effort with our national energy policy, and I am confident that the American people have the creativity, and resolve to succeed.

We are not only investing in a new energy policy for America, but we are also doing it in a fiscally responsible manner. Gone are the days of corporate welfare and tax dollar handouts to oil and gas companies that are reaping record profits while consumers pay increasing prices at the pump. This legislation rescinds wasteful subsidies and closes loopholes that have allowed oil and gas companies to avoid taxation on their income. Consequently, the new programs and investments contained in this bill will not add to the deficit. In so doing, we demonstrate our commitment not only to our Nation's energy security, but also to its economic security.

Today we will consider an amendment offered by the gentleman from New Mexico, Mr. UDALL, to require electricity suppliers to have 15 percent of their electricity come from renewable sources by 2020. As a cosponsor of the gentleman's legislation to create a renewable electricity standard, I strongly support the amendment and urge all my colleagues to do so. I am proud to represent Rhode Island, one of more than twenty states to have enacted laws to set targets for electricity from renewable sources. Rhode Island has been ahead of the curve in promoting clean electricity sources, but the federal government must follow suit so that our entire Nation can reap the benefits of renewable energy.

While I feel this bill could do more—particularly by increasing vehicle fuel efficiency standards, which have not risen appreciably in the last 20 years—I am proud that Congress is finally taking bold steps toward establishing a new energy policy that invests in new technologies, promotes the development of clean and renewable fuels and moves us toward energy independence. I urge all my colleagues to support this measure.

Mr. WYNN. Mr Chairman, If we are serious about achieving energy independence and reducing global warming, Americans will have to change the way we live, the way we drive, and most importantly, we will have to change from conspicuous consumption to embrace the progressive ideals of conservation. And Congress will have to promote these changes, by making real investments in programs that reduce energy consumption and reduce emissions.

This bill is a significant step toward these goals. However, it is only the first step. Critically, this bill does not address emissions caps or fuel efficiency standards, which the Energy and Commerce Committee will tackle after the Recess.

Nonetheless, this bill does some very important things to promote a new energy paradigm for America.

The bill creates national standards for heating and cooling systems, and mandates improvements to building codes to save energy on new buildings. The bill also contains lighting efficiency provisions based on legislation offered by Congresswoman JANE HARMAN, to significantly increase light bulb efficiency, and encourage the domestic production of more efficient light bulbs by U.S. manufacturers. I was proud to cosponsor that legislation, and am very pleased that it is in this bill.

In the area of transportation, the bill provides loan guarantees for plug-in hybrid vehicles and advanced battery development, and grants to local governments to promote use of hybrid vehicles. This bill also includes grants for cellulosic ethanol production and requirements for renewable fuel pumps at what we have come to know as the ''gas'' station. This will increase market penetration of both renewable fuels and flex-fuel vehicles.

In terms of electricity, the bill facilitates Smart Grid technology, to enable consumers and utilities to digitally monitor power usage in real-time, and use electricity more efficiently, by using power at times when demand is lower, and reducing use when demand is high.

It is important that we move forward with Smart Grid now, and assist technology innovators and manufacturers, as well as utilities, by providing incentives to speed adoption of this new approach to our electricity grid. This is one of the many areas where ''Green'' jobs are being created.

During our hearings in the Energy and Commerce Committee, the U.S. Conference of Mayors pointed out that if we are to achieve our energy and emissions goals, we need a partnership between the Federal, State, and City and County governments to address energy issues.

I was pleased to work on this issue with the Conference of Mayors, and helped get authorization for $10 billion in Energy Efficiency Block Grants included in this bill. Modeled after the HUD Community Development Block Grant, this program will provide formula-based grants to cities, counties, and States.

These grants would be used to: (1) fund building and home energy conservation programs; (2) develop ''green'' building codes to promote energy efficiency; (3) develop land use guidelines to promote energy efficiency, increased use of public transportation, and reduce traffic and commute times; and (4) other important local energy-saving programs.

While much remains to be done, I believe this bill is an important step towards increasing American energy efficiency, energy independence, and reducing global warming.

I urge my colleagues' support of this important bill, so Americans can start changing the way we live and our Government can begin to grow the Green economy.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in part A of House Report 110–

300 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3221

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 ''New Direction for Energy Independence, National Security, and Consumer Protection Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—GREEN JOBS

Sec. 1001. Short title.
Sec. 1002. Energy efficiency and renewable energy worker training program.

TITLE II—INTERNATIONAL CLIMATE COOPERATION RE-ENGAGEMENT ACT OF 2007

Sec. 2001. Short title.
Sec. 2002. Definitions.

Subtitle A—United States Policy on Global Climate Change

Sec. 2101. Congressional findings.
Sec. 2102. Congressional statement of policy.
Sec. 2103. Office on Global Climate Change.

SubtitleB—AssistancetoPromoteCleanand Efficient Energy Technologies in Foreign Countries

Sec. 2201. Congressional findings.
Sec. 2202. United States assistance for developing countries.
Sec. 2203. United States exports and outreach programs for India, China, and other countries.
Sec. 2204. United States trade missions to encourage private sector trade and investment.
Sec. 2205. Actions by Overseas Private Investment Corporation.
Sec. 2206. Actions by United States Trade and Development Agency.
Sec. 2207. Global Climate Change Exchange program.
Sec. 2208. Interagency Working Group to support a Clean Energy Technology Exports Initiative.

Subtitle C—International Clean Energy Foundation

Sec. 2301. Definitions.
Sec. 2302. Establishment and management of Foundation.
Sec. 2303. Duties of Foundation.
Sec. 2304. Annual report.
Sec. 2305. Powers of the Foundation; related provisions.
Sec. 2306. General personnel authorities.
Sec. 2307. Authorization of appropriations.

TITLE III—SMALL ENERGY EFFICIENT BUSINESSES

Sec. 3001. Short title.
Sec. 3002. Findings.
Sec. 3003. Larger 504 loan limits to help business develop energy efficient technologies and purchases.
Sec. 3004. Reduced 7(a) fees and higher loan guarantees for purchase of energy efficient technologies.
Sec. 3005. Small Business Sustainability Initiative.
Sec. 3006. Small Business Administration to educate and promote energy efficiency ideas to small businesses and work with the small business community to make such information widely available.
Sec. 3007. Energy saving debentures.
Sec. 3008. Investments in energy saving small businesses.
Sec. 3009. Renewable fuel capital investment company.
Sec. 3010. Study and report.

TITLE IV—SCIENCE AND TECHNOLOGY

Subtitle A—Advanced Research Projects Agency-Energy

Sec. 4001. Advanced Research Projects Agency-Energy.
Sec. 4002. Fund.
Sec. 4003. Advice.
Sec. 4004. ARPA–E evaluation.
Sec. 4005. Savings clause.

Subtitle B—Marine Renewable Energy Technologies

Sec. 4101. Short title.
Sec. 4102. Findings.
Sec. 4103. Definitions.
Sec. 4104. Marine renewable energy research and development.
Sec. 4105. National Marine Renewable Energy Research, Development, and Demonstration Centers.
Sec. 4106. Applicability of other laws.
Sec. 4107. Authorization of appropriations.

Subtitle C—Geothermal Energy

Sec. 4201. Short title.
Sec. 4202. Findings.
Sec. 4203. Definitions.
Sec. 4204. Hydrothermal research and development.
Sec. 4205. General geothermal systems research and development.
Sec. 4206. Enhanced geothermal systems research and development.
Sec. 4207. Geothermal energy production from oil and gas fields and recovery and production of geopressured gas resources.
Sec. 4208. Cost sharing and proposal evaluation.
Sec. 4209. Centers for Geothermal Technology Transfer.
Sec. 4210. GeoPowering America.
Sec. 4211. Educational pilot program.
Sec. 4212. Reports.
Sec. 4213. Applicability of other laws.
Sec. 4214. Authorization of appropriations.

Subtitle D—Solar Energy

Sec. 4301. Short title.
Sec. 4302. Definitions.
Sec. 4303. Thermal energy storage research and development program.
Sec. 4304. Concentrating solar power commercial application studies.
Sec. 4305. Solar energy curriculum development and certification grants.
Sec. 4306. Daylighting systems and direct solar light pipe technology.
Sec. 4307. Solar Air Conditioning Research and Development Program.
Sec. 4308. Photovoltaic demonstration program.

Subtitle E—Biofuels

Sec. 4401. Short title.
Sec. 4402. Biofuels and biorefinery information center.
Sec. 4403. Biofuels and advanced biofuels infrastructure.
Sec. 4404. Biodiesel.
Sec. 4405. Biogas.
Sec. 4406. Bioresearch centers for systems biology program.
Sec. 4407. Grants for biofuel production research and development in certain States.
Sec. 4408. Biorefinery energy efficiency.
Sec. 4409. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 4410. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 4411. Study of engine durability and performance associated with the use of biodiesel.
Sec. 4412. Bioenergy research and development, authorization of appropriation.
Sec. 4413. Environmental research and development.
Sec. 4414. Study of optimization of biogas used in natural gas vehicles.
Sec. 4415. Standards for biofuels dispensers.
Sec. 4416. Algal biomass.

Subtitle F—Carbon Capture and Storage

Sec. 4501. Short title.
Sec. 4502. Carbon capture and storage research, development, and demonstration program.
Sec. 4503. Review of large-scale programs.
Sec. 4504. Safety research.
Sec. 4505. Geological sequestration training and research.
Sec. 4506. University based research and development grant program.

Subtitle G—Global Change Research

Sec. 4601. Short title.

PART 1—GLOBAL CHANGE RESEARCH

Sec. 4611. Findings and purpose.
Sec. 4612. Definitions.
Sec. 4613. Interagency cooperation and coordination.
Sec. 4614. United States Global Change Research Program.
Sec. 4615. National Global Change Research and Assessment Plan.
Sec. 4616. Budget coordination.
Sec. 4617. Vulnerability assessment.
Sec. 4618. Policy assessment.
Sec. 4619. Annual report.
Sec. 4620. Relation to other authorities.
Sec. 4621. Repeal.
Sec. 4622. Global change research information.
Sec. 4623. Ice sheet study and report.
Sec. 4624. Hurricane frequency and intensity study and report.

PART 2—CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT

Sec. 4631. Findings and purposes.
Sec. 4632. Definitions.
Sec. 4633. Interagency climate and other global change data management working group.

Subtitle H—H-Prize

Sec. 4701. H-Prize.

TITLE V—AGRICULTURE ENERGY

Sec. 5001. Table of contents.
Sec. 5002. Federal procurement of biobased products.
Sec. 5003. Loan guarantees for biorefineries and biofuel production plants.
Sec. 5004. Biodiesel fuel education program.
Sec. 5005. Energy audit and renewable energy development program.
Sec. 5006. Renewable energy systems and energy efficiency improvements.
Sec. 5007. Biomass Research and Development Act of 2000.
Sec. 5008. Adjustments to the bioenergy program.
Sec. 5009. Research, extension, and educational programs on biobased energy technologies and products.
Sec. 5010. Energy Council of the Department of Agriculture.
Sec. 5011. Forest bioenergy research program.
Sec. 5012. Feedstock Flexibility Program for bioenergy producers.

TITLE VI—CARBON-NEUTRAL GOVERNMENT

Sec. 6001. Short title.
Sec. 6002. Findings.

Subtitle A—Federal Government Inventory and Management of Greenhouse Gas Emissions

Sec. 6101. Inventory of Federal Government Greenhouse Gas Emissions.

Sec. 6102. Management of Federal Government Greenhouse Gas Emissions.
Sec. 6103. Pilot project for purchase of offsets and certificates.
Sec. 6104. Impact on agency's primary mission.
Sec. 6105. Savings Clause.
Sec. 6106. Definitions.
Sec. 6107. Authorization of appropriations.

Subtitle B—Federal Government Energy Efficiency

Sec. 6201. Federal vehicle fleets.
Sec. 6202. Agency analyses for mobility acquisitions.
Sec. 6203. Federal procurement of energy efficient products.
Sec. 6204. Federal building energy efficiency performance standards.
Sec. 6205. Management of Federal building efficiency.
Sec. 6206. Leasing.
Sec. 6207. Procurement and acquisition of alternative fuels.
Sec. 6208. Contracts for renewable energy for executive agencies.
Sec. 6209. Government Efficiency Status Reports.
Sec. 6210. OMB Government Efficiency Reports and Scorecards.
Sec. 6211. Authorization of appropriations.
Sec. 6212. Judicial review.

TITLE VII—NATURAL RESOURCES COMMITTEE PROVISIONS

Sec. 7001. Short title.

Subtitle A—Energy Policy Act of 2005 Reforms

Sec. 7101. Fiscally responsible energy amendments.
Sec. 7102. Extension of deadline for consideration of applications for permits.
Sec. 7103. Oil shale and tar sands leasing.
Sec. 7104. Limitation of rebuttable presumption regarding application of categorical exclusion under NEPA for oil and gas exploration and development activities.
Sec. 7105. Best management practices.
Sec. 7106. Federal consistency appeals.

Subtitle B—Federal Energy Public Accountability, Integrity, and Public Interest

CHAPTER 1—ACCOUNTABILITY AND INTEGRITY IN THE FEDERAL ENERGY PROGRAM

Sec. 7201. Audits.
Sec. 7202. Fines and penalties.

CHAPTER 2—AMENDMENTS TO FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Sec. 7211. Amendments to definitions.
Sec. 7212. Interest.
Sec. 7213. Obligation period.
Sec. 7214. Tolling agreements and subpoenas.
Sec. 7215. Liability for royalty payments.

CHAPTER 3—PUBLIC INTEREST IN THE FEDERAL ENERGY PROGRAM

Sec. 7221. Surface owner protection.
Sec. 7222. Onshore oil and gas reclamation and bonding.
Sec. 7223. Protection of water resources.
Sec. 7224. Due diligence fee.

CHAPTER 4—WIND ENERGY

Sec. 7231. Wind Turbine Guidelines Advisory Committee.
Sec. 7232. Authorization of appropriations for research to study wind energy impacts on wildlife.
Sec. 7233. Enforcement.
Sec. 7234. Savings clause.

CHAPTER 5—ENHANCING ENERGY TRANSMISSION

Sec. 7241. Power Marketing Administrations report.

Subtitle C—Alternative Energy and Efficiency

Sec. 7301. State ocean and coastal alternative energy planning.
Sec. 7302. Canal-side power production at Bureau of Reclamation projects.
Sec. 7303. Increasing energy efficiencies for water desalination.
Sec. 7304. Establishing a pilot program for the development of strategic solar reserves on Federal lands.
Sec. 7305. OTEC regulations.
Sec. 7306. Biomass utilization pilot program.
Sec. 7307. Programmatic environmental impact statement.

Subtitle D—Carbon Capture and Climate Change Mitigation

CHAPTER 1—GEOLOGICAL SEQUESTRATION ASSESSMENT

Sec. 7401. Short title.
Sec. 7402. National assessment.

CHAPTER 2—TERRESTRIAL SEQUESTRATION ASSESSMENT

Sec. 7421. Requirement to conduct an assessment.
Sec. 7422. Methodology.
Sec. 7423. Completion of assessment and report.
Sec. 7424. Authorization of appropriations.

CHAPTER 3—SEQUESTRATION ACTIVITIES

Sec. 7431. Carbon dioxide storage inventory.
Sec. 7432. Framework for geological carbon sequestration on Federal lands.

CHAPTER 4—NATURAL RESOURCES AND WILDLIFE PROGRAMS

SUBCHAPTER A—NATURAL RESOURCES MANAGEMENT AND CLIMATE CHANGE

Sec. 7441. Natural Resources Management Council on Climate Change.

SUBCHAPTER B—NATIONAL POLICY AND STRATEGY FOR WILDLIFE

Sec. 7451. Short title.
Sec. 7452. National policy on wildlife and global warming.
Sec. 7453. Definitions.
Sec. 7454. National strategy.
Sec. 7455. Advisory board.
Sec. 7456. Authorization of appropriations.

SUBCHAPTER C—STATE AND TRIBAL WILDLIFE GRANTS PROGRAM

Sec. 7461. State and Tribal Wildlife Grants Program.

CHAPTER 5—OCEAN PROGRAMS

Sec. 7471. Ocean Policy, Global Warming, and Acidification Program.
Sec. 7472. Planning for climate change in the coastal zone.
Sec. 7473. Enhancing climate change predictions.

Subtitle E—Royalties Under Offshore Oil and Gas Leases

Sec. 7501. Short title.
Sec. 7502. Price thresholds for royalty suspension provisions.
Sec. 7503. Clarification of authority to impose price thresholds for certain lease sales.
Sec. 7504. Eligibility for new leases and the transfer of leases; conservation of resources fees.
Sec. 7505. Repeal of certain taxpayer subsidized royalty relief for the oil and gas industry.

Subtitle F—Additional Provisions

Sec. 7601. Oil shale community impact assistance.
Sec. 7602. Additional notice requirements.
Sec. 7603. Davis-Bacon Act.
Sec. 7604. Roan Plateau, Colorado.

TITLE VIII—TRANSPORTATION AND INFRASTRUCTURE

Sec. 8001. Short title.
Sec. 8002. Findings and purposes.

Subtitle A—Department of Transportation

Sec. 8101. Center for climate change and environment.

Subtitle B—Highways and Transit

PART 1—PUBLIC TRANSPORTATION

Sec. 8201. Grants to improve public transportation services.
Sec. 8202. Increased Federal share for Clean Air Act compliance.
Sec. 8203. Commuter rail transit enhancement.

PART 2—FEDERAL-AID HIGHWAYS

Sec. 8251. Increased Federal share for CMAQ projects.
Sec. 8252. Distribution of rescissions.
Sec. 8253. Sense of Congress regarding use of complete streets design techniques.

Subtitle C—Railroad and Pipeline Transportation

PART 1—RAILROADS

Sec. 8301. Advanced technology locomotive grant pilot program.
Sec. 8302. Capital grants for railroad track.

PART 2—PIPELINES

Sec. 8311. Feasibility studies.

Subtitle D—Maritime Transportation

PART 1—GENERAL PROVISIONS

Sec. 8401. Short sea transportation initiative.
Sec. 8402. Short sea shipping eligibility for capital construction fund.
Sec. 8403. Report.

PART 2—MARITIME POLLUTION

Sec. 8451. References.
Sec. 8452. Definitions.
Sec. 8453. Applicability.
Sec. 8454. Administration and enforcement.
Sec. 8455. Certificates.
Sec. 8456. Reception facilities.
Sec. 8457. Inspections.
Sec. 8458. Amendments to the protocol.
Sec. 8459. Penalties.
Sec. 8460. Effect on other laws.

Subtitle E—Aviation

Sec. 8501. Environmental mitigation pilot program.

Subtitle F—Public Buildings

PART 1—GENERAL SERVICES ADMINISTRATION

Sec. 8601. Public building energy efficient and renewable energy systems.
Sec. 8602. Public building life-cycle costs.
Sec. 8603. Installation of photovoltaic system at department of energy headquarters building.

PART 2—COAST GUARD

Sec. 8631. Prohibition on incandescent lamps by Coast Guard.

PART 3—ARCHITECT OF THE CAPITOL

Sec. 8651. Capitol complex photovoltaic roof feasibility study.
Sec. 8652. Capitol complex E–85 refueling station.
Sec. 8653. Energy and environmental measures in Capitol complex master plan.
Sec. 8654. Capitol Power Plant.
Sec. 8655. Promoting maximum efficiency in operation of Capitol Power Plant.
Sec. 8656. Promoting maximum efficiency in operation of Capitol Power Plant.

Subtitle G—Water Resources and Emergency Management Preparedness

PART 1—WATER RESOURCES

Sec. 8701. Policy of the United States.
Sec. 8702. 21st Century Water Commission.
Sec. 8703. Study of Potential Impacts of Climate Change on Water Resources and Water Quality.

Sec. 8704. Impacts of climate change on Corps of Engineers projects.

PART 2—EMERGENCY MANAGEMENT

Sec. 8731. Effects of climate change on FEMA preparedness, response, recovery, and mitigation programs.

TITLE IX—ENERGY AND COMMERCE

Subtitle A—Promoting Energy Efficiency

Sec. 9000. Short title.

PART 1—APPLIANCE EFFICIENCY

Sec. 9001. Energy standards for home appliances.
Sec. 9002. Electric motor efficiency standards.
Sec. 9003. Residential boilers.
Sec. 9004. Regional variations in heating or cooling standards.
Sec. 9005. Procedure for prescribing new or amended standards.
Sec. 9006. Expediting appliance standards rulemakings.
Sec. 9007. Correction of large air conditioner rule issuance constraint.
Sec. 9008. Definition of energy conservation standard.
Sec. 9009. Improving schedule for standards updating and clarifying State authority.
Sec. 9010. Updating appliance test procedures.
Sec. 9011. Furnace fan standard process.
Sec. 9012. Technical corrections.
Sec. 9013. Energy efficient standby power devices.
Sec. 9014. External power supply efficiency standards.
Sec. 9015. Standby mode.
Sec. 9016. Battery chargers.
Sec. 9017. Walk-in coolers and walk-in freezers.

PART 2—LIGHTING EFFICIENCY

Sec. 9021. Efficient light bulbs.
Sec. 9022. Incandescent reflector lamps.
Sec. 9023. Use of energy efficient lighting fixtures and bulbs.
Sec. 9024. Metal halide lamp fixtures.

PART 3—RESIDENTIAL BUILDING EFFICIENCY

Sec. 9031. Encouraging stronger building codes.
Sec. 9032. Energy code improvements applicable to manufactured housing.
Sec. 9033. Baseline building designs.
Sec. 9034. Reauthorization of weatherization assistance program.

PART 4—COMMERCIAL AND FEDERAL BUILDING EFFICIENCY

Sec. 9041. Definitions.
Sec. 9042. High-performance green Federal buildings.
Sec. 9043. Commercial high-performance green buildings.
Sec. 9044. Zero-energy commercial buildings initiative.
Sec. 9045. Public outreach.
Sec. 9046. Federal procurement.
Sec. 9047. Management of energy and water efficiency in Federal buildings.
Sec. 9048. Demonstration project.
Sec. 9049. Energy efficiency for data center buildings.
Sec. 9050. Authorization of appropriations.
Sec. 9051. Study and report on use of power management software.
Sec. 9052. High-performance green buildings retrofit loan guarantees.

PART 5—INDUSTRIAL ENERGY EFFICIENCY

Sec. 9061. Industrial energy efficiency.

PART 6—ENERGY EFFICIENCY OF PUBLIC INSTITUTIONS

Sec. 9071. Short title.
Sec. 9072. Findings.
Sec. 9073. Definitions.
Sec. 9074. Technical Assistance Program.
Sec. 9075. Revolving Fund.
Sec. 9076. Reauthorization of State energy programs.

PART 7—ENERGY SAVINGS PERFORMANCE CONTRACTING

Sec. 9081. Definition of energy savings.
Sec. 9082. Financing flexibility.
Sec. 9083. Authority to enter into contracts; reports.
Sec. 9084. Permanent reauthorization.
Sec. 9085. Training Federal contracting officers to negotiate energy efficiency contracts.
Sec. 9086. Promoting long-term energy savings performance contracts and verifying savings.

PART 8—ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCING

Sec. 9089. Advisory committee.

PART 9—ENERGY EFFICIENCY BLOCK GRANT PROGRAM

Sec. 9091. Definitions.
Sec. 9092. Establishment of program.
Sec. 9093. Allocations.
Sec. 9094. Eligible activities.
Sec. 9095. Requirements.
Sec. 9096. Review and evaluation.
Sec. 9097. Technical Assistance and Education Program.
Sec. 9098. Authorization of appropriations.

Subtitle B—Smart Grid Facilitation

Sec. 9101. Short title.

PART 1—SMART GRID

Sec. 9111. Statement of policy on modernization of electricity grid.
Sec. 9112. Grid Modernization Commission.
Sec. 9113. Grid assessment and report.
Sec. 9114. Federal matching fund for smart grid investment costs.
Sec. 9115. Smart Grid technology deployment.
Sec. 9116. Smart Grid Information Requirements.
Sec. 9117. State consideration of incentives for Smart Grid.
Sec. 9118. DOE study of security attributes of Smart Grid systems.

PART 2—DEMAND RESPONSE

Sec. 9121. Electricity sector demand response.

Subtitle C—Loan Guarantees

Sec. 9201. Amount of loans guaranteed.
Sec. 9202. Exclusion of categories.

Subtitle D—Renewable Fuel Infrastructure and International Cooperation

PART 1—RENEWABLE FUEL INFRASTRUCTURE

Sec. 9301. Renewable fuel infrastructure development.
Sec. 9302. Prohibition on franchise agreement restrictions related to renewable fuel infrastructure.
Sec. 9303. Renewable fuel dispenser requirements.
Sec. 9304. Pipeline feasibility study.
Sec. 9305. Study of ethanol-blended gasoline with greater levels of ethanol.
Sec. 9306. Study of the adequacy of railroad transportation of domestically-produced renewable fuel.
Sec. 9307. Standard specifications for biodiesel.
Sec. 9308. Grants for cellulosic ethanol production.
Sec. 9309. Consumer education campaign relating to flexible-fuel vehicles.
Sec. 9310. Review of new renewable fuels or new renewable fuel additives.
Sec. 9311. Domestic manufacturing conversion grant program.
Sec. 9312. Cellulosic ethanol and biofuels research.
Sec. 9313. Federal fleet fueling centers.
Sec. 9314. Study of impact of increased renewable fuel use.
Sec. 9315. Grants for renewable fuel production research and development in certain States.
Sec. 9316. Study of effect of oil prices.
Sec. 9317. Biodiesel as alternative fuel for CAFE purposes.

PART 2—UNITED STATES-ISRAEL ENERGY COOPERATION

Sec. 9321. Short title.
Sec. 9322. Findings.
Sec. 9323. Grant program.
Sec. 9324. International Energy Advisory Board.
Sec. 9325. Definitions.
Sec. 9326. Termination.
Sec. 9327. Authorization of appropriations.
Sec. 9328. Constitutional authority.

Subtitle E—Advanced Plug-In Hybrid Vehicles and Components

Sec. 9401. Advanced battery loan guarantee program.
Sec. 9402. Domestic manufacturing conversion grant program.
Sec. 9403. Plug-in hybrid vehicle program.
Sec. 9404. Plug-in hybrid demonstration vehicles.
Sec. 9405. Incentive for Federal and State fleets for medium and heavy duty hybrids.
Sec. 9406. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 9407. Near-term electric drive transportation deployment program.
Sec. 9408. Studying the benefits of plug-in hybrid electric drive vehicles and electric drive transportation.

Subtitle F—Availability of Critical Energy Information

Sec. 9501. Findings.
Sec. 9502. Assessment of resources.

TITLE I—GREEN JOBS

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Green Jobs Act of 2007''.

SEC. 1002. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

''(e) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

''(1) GRANT PROGRAM.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Green Jobs Act of 2007, the Secretary, in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (2) to achieve the purposes of this subsection.

''(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

''(i) target populations of eligible individuals to be given priority for training and other services shall include—

''(I) workers affected by national energy and environmental policy;

''(II) individuals in need of updated training related to the energy efficiency and renewable energy industries; and

''(III) veterans, or past and present members of reserve components of the Armed Forces;

''(IV) unemployed workers;

''(V) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency; and

''(VI) formerly incarcerated, adjudicated, non-violent offenders;

''(ii) energy efficiency and renewable energy industries eligible to participate in a program under this subsection include—

''(I) the energy-efficient building, construction, and retrofits industries;

''(II) the renewable electric power industry;

''(III) the energy efficient and advanced drive train vehicle industry;

''(IV) the biofuels industry;

''(V) the deconstruction and materials use industries;

''(VI) the energy efficiency assessment industry serving the residential, commercial, or industrial sectors; and

''(VII) manufacturers that produce sustainable products using environmentally sustainable processes and materials.

''(2) ACTIVITIES.—

''(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (1), the Secretary, acting through the Bureau of Labor Statistics, where appropriate, shall collect and analyze labor market data to track workforce trends resulting from energy-related initiatives carried out under this subsection. Activities carried out under this paragraph shall include—

''(i) tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

''(ii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

''(iii) collaborating with State agencies, workforce investments boards, industry, organized labor, and community and nonprofit organizations to disseminate information on successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology;

''(iv) serving as a clearinghouse for best practices in workforce development, job placement, and collaborative training partnerships;

''(v) promoting the establishment of workforce training initiatives with respect to renewable energy and energy efficiency technologies; and

''(vi) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

''(vii) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems;

''(viii) providing technical assistance and capacity building to national and state energy partnerships, including industry and labor representatives.

''(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts, and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts, as such districts are established by the Secretary of Energy.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a non-profit partnership that—

''(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include workforce investment boards, community-based organizations, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

''(II) demonstrates—

''(aa) experience in implementing and operating worker skills training and education programs;

''(bb) the ability to identify and involve in training programs carried out under this grant, target populations of workers who would benefit from activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help workers achieve economic self-sufficiency.

''(iii) PRIORITY.—Priority shall be given to partnerships which leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

''(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange information programs that include the implementation of the activities described in clause (ii), in coordination with the one-stop delivery system.

''(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

''(I) The identification of job openings in the renewable energy and energy efficiency sector.

''(II) The administration of skill and aptitude testing and assessment for workers.

''(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

''(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

''(ii) PARTNERSHIPS.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

''(iii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

''(I) consist of non-profit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, the workforce investment system, including worker investment agency one-stop career centers, community based organizations, community colleges, and other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

''(II) demonstrate experience in implementing and operating worker skills training and education programs; and

''(III) demonstrate the ability to identify and involve in training programs, target populations of workers who would benefit from activities related to energy efficiency and renewable energy industries.

''(iv) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate that activities under the grant—

''(I) meet national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases;

''(II) meet State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

''(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

''(v) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing other appropriate training programs, including apprenticeship and labor management training programs, including such activities referenced in subparagraph (C)(ii), and implement training programs that lead to the economic self-sufficiency of trainees.

''(E) PATHWAYS OUT OF POVERTY DEMONSTRATION PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award at least 10 competitive grants to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency. The Secretary shall give priority to entities that serve individuals in families with income of less than 200 percent of the poverty threshold (as determined by the Bureau of the Census) or a self-sufficiency standard for the local areas where the training is conducted that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations. Grants shall be awards to ensure geographic diversity.

''(ii) ELIGIBLE ENTITIES.—To be eligible to receive a grant an entity shall be a partnership that—

''(I) includes community-based non-profit organizations, educational institutions with expertise in serving low-income adults or youth, public or private employers from the industry sectors described in paragraph (1)(B)(ii), and labor organizations representing workers in such industry sectors;

''(II) demonstrates experience in implementing and operating worker skills training and education programs;

''(III) coordinates activities, where appropriate, with the workforce investment system; and

''(IV) demonstrates the ability to recruit individuals for training and to support such individuals to successful completion in training programs carried out under this grant, targeting populations of workers who are or will be engaged in activities related to energy efficiency and renewable energy industries.

''(iii) PRIORITIES.—In awarding grants under this paragraph, the Secretary shall give priority to applicants that—

''(I) target programs to benefit low-income workers, unemployed youth and adults, high school dropouts, or other underserved sectors of the workforce within areas of high poverty;

''(II) ensure that supportive services are integrated with education and training, and delivered by organizations with direct access to and experience with targeted populations;

''(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers;

''(IV) involve employers and labor organizations in the determination of relevant skills and competencies and ensure that the certificates or credentials that result from the training are employer-recognized;

''(V) deliver courses at alternative times (such as evening and weekend programs) and locations most convenient and accessible to participants; and

''(VI) link adult remedial education with occupational skills training.

''(iv) DATA COLLECTION.—Grantees shall collect and report the following information:

''(I) The number of participants.

''(II) The demographic characteristics of participants, including race, gender, age, parenting status, participation in other Federal programs, education and literacy level at entry, significant barriers to employment (such as limited English proficiency, criminal record, addiction or mental health problem requiring treatment, or mental disability).

''(III) The services received by participants, including training, education, and supportive services.

''(IV) The amount of program spending per participant.

''(V) Program completion rates.

''(VI) Factors determined as significantly interfering with program participation or completion.

''(VII) The rate of Job placement and the rate of employment retention after 1 year.

''(VIII) The average wage at placement, including any benefits, and the rate of average wage increase after 1 year.

''(IX) Any post-employment supportive services provided.

The Secretary shall assist grantees in the collection of data under this clause by making available, where practicable, low-cost means of tracking the labor market outcomes of participants, and by providing standardized reporting forms, where appropriate.

''(3) ACTIVITIES.—

''(A) IN GENERAL.—Activities to be carried out under a program authorized by subparagraphs (B), (D), or (E) of paragraph (2) shall be coordinated with existing systems or providers, as appropriate. Such activities may include—

''(i) occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(ii) safety and health training;

''(iii) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

''(iv) individual referral and tuition assistance for a community college training program, or any training program leading to an industry-recognized certificate;

''(v) internship programs in fields related to energy efficiency and renewable energy;

''(vi) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(vii) career ladder and upgrade training;

''(viii) the implementation of transitional jobs strategies; and

''(ix) the provision of supportive services.

''(B) OUTREACH ACTIVITIES.—In addition to the activities authorized under subparagraph (A), activities authorized for programs under subparagraph (E) of paragraph (2) may include the provision of outreach, recruitment, career guidance, and case management services.

''(4) WORKER PROTECTIONS AND NONDISCRIMINATION REQUIREMENTS.—

''(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

''(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this Act, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

''(5) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The Secretary shall negotiate and reach agreement with the eligible entities that receive grants and assistance under this section on performance measures for the indicators of performance referred to in subparagraph (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the eligible entity in carrying out the activities described in subsection (e)(2) . Each State and local performance measure shall consist of such an indicator of performance, and a performance level referred to in subparagraph (B).

''(B) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the eligible entity regarding the levels of performance expected to be achieved by the eligible entity on the indicators of performance.

''(6) REPORT.—

''(A) STATUS REPORT.—Not later than 18 months after the date of enactment of the Green Jobs Act of 2007, the Secretary shall transmit a report to Congress on the training program established by this subsection. The report shall include a description of the entities receiving funding and the activities carried out by such entities.

''(B) EVALUATION.—Not later than 3 years after the date of enactment of such Act, the Secretary shall transmit to Congress an assessment of such program and an evaluation of the activities carried out by entities receiving funding from such program.

''(7) DEFINITION.—As used in this subsection, the term 'renewable energy' has the meaning given such term in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $125,000,000 for each fiscal years, of which—

''(A) not to exceed 20 percent of the amount appropriated in each such fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (2)(A) and State labor market information and labor exchange research under paragraph (2)(C), and not more than 2 percent of such amount shall be for the evaluation and report required under paragraph (4);

''(B) 20 percent shall be dedicated to Pathways Out of Poverty Demonstration Programs under paragraph (2)(E); and

''(C) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (2)(B) and State energy training partnership grants under paragraph (2)(D).''.

TITLE II—INTERNATIONAL CLIMATE COOPERATION RE-ENGAGEMENT ACT OF 2007

SEC. 2001. SHORT TITLE.

This title may be cited as the ''International Climate Cooperation Re-engagement Act of 2007''.

SEC. 2002. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term ''clean and efficient energy technology'' means an energy supply or end-use technology—

(A) such as—

(i) solar technology;

(ii) wind technology;

(iii) geothermal technology;

(iv) hydroelectric technology; and

(v) carbon capture technology; and

(B) that, over its life cycle and compared to a similar technology already in commercial use—

(i) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the country involved;

(ii) results in—

(I) reduced emissions of greenhouse gases; or

(II) increased geological sequestration; and

(iii) may—

(I) substantially lower emissions of air pollutants; or

(II) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(3) GEOLOGICAL SEQUESTRATION.—The term ''geological sequestration'' means the capture and long-term storage in a geological formation of a greenhouse gas from an energy producing facility, which prevents the release of greenhouse gases into the atmosphere.

(4) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

Subtitle A—United States Policy on Global Climate Change

SEC. 2101. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) There is a global scientific consensus, as established by the Intergovernmental Panel on Climate Change (IPCC) and confirmed by the National Academy of Sciences, that the continued build-up of anthropogenic greenhouse gases in the atmosphere has been, and is now warming the earth and threatens the stability of the global climate. By the estimate of the IPCC, unmitigated global greenhouse gas emissions could drive up global temperatures by as much as 7 to 11 degrees Fahrenheit by 2100.

(2) Climate change is already having significant impacts in certain regions of the world and on many ecosystems, with poor populations being most vulnerable.

(3) Climate change is a global problem that can only be managed by a coordinated global response that reduces global emissions of greenhouse gases to a level that stabilizes their concentration in the Earth's atmosphere.

(4) The United Nations Framework Convention on Climate Change (hereinafter in this section referred to as the ''Convention'') establishes a viable foundation to construct a global regime to combat global warming and manage its impacts.

(5) The United States, along with 189 other countries, is a party to the Convention, agreed to in New York on May 9, 1992, and entered into force in 1994. The Convention's stated objective is ''to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system''.

(6) The Kyoto Protocol to the Convention was adopted by the third Convention Conference of the Parties (COP–3) in December 1997, in Kyoto, Japan, and stipulated legally

binding reductions in greenhouse gas emissions at an average of 5.2 percent below 1990 levels for industrialized countries, but it did not specify policies for its implementation. The Kyoto Protocol also did not stipulate binding reductions in greenhouse gas emissions for rapidly industrializing countries such as China, India, and Brazil.

(7) Before negotiations were completed on the mechanisms for implementing Kyoto Protocol commitments on greenhouse gas emissions, George W. Bush took office as President of the United States, and in March 2001, announced opposition to continued negotiations over implementation of the Protocol, stating that the Protocol was ''fatally flawed'' from the Administration's point of view.

(8) President Bush unveiled an ''alternative'' strategy to the Kyoto Protocol for halting global warming on February 14, 2002. The President's plan did not contain any international component to amend or supplant the Kyoto Protocol or any kind of blueprint for committing major developing economies such as China, India, and Brazil to reduce future greenhouse gas emissions. The President's plan set a voluntary ''greenhouse gas intensity'' target for the United States that specified an 18 percent reduction in ''emissions intensity'' by 2012. This reduction would allow actual emissions to increase by at least 12 percent over the same period.

(9) On February 16, 2005, after Russia's ratification, the Kyoto Protocol entered into force. With entry into force, the emissions targets of the Protocol became legally binding commitments for those industrialized countries that ratified the Protocol. Because the United States and Australia did not ratify the Protocol, and because developing countries are not subject to its limits, the Protocol currently restricts the emissions of countries accounting for only 32 percent of global greenhouse gas emissions.

(10) The Kyoto Protocol required that parties to the Protocol begin negotiating in 2005 toward a second round of commitments to begin after the expiration of the first emissions budget period in 2012. The eleventh Convention Conference of the Parties (COP–11) in November and December 2005 in Montreal, Canada launched the negotiations on the second round of commitments by parties to the Protocol and initiated a dialogue (a ''parallel process'') under the Convention that engaged both the United States and developing countries in discussions on future efforts.

(11) At the twelfth Convention Conference of the Parties (COP–12) in November 2006 in Nairobi, Kenya, parties continued discussions on a second round of commitments under the Kyoto Protocol as a successor to the first commitment period (2008 through 2012) and, in the parallel process, discussed enhanced cooperation under the Convention that would engage countries that did not have commitments under the Protocol.

(12) At a summit in Brussels, Belgium in March 2007, the head of governments of the European Union committed its Member States to cut greenhouse gas emissions 20 percent below 1990 levels by 2020 and committed to move this target up to 30 percent if the United States and other major emitters joined the commitment.

(13) On April 17, 2007, the United Nations Security Council held its first ever ''open meeting'' on the impact of climate change on international security. British Foreign Secretary Margaret Beckett, in her capacity as President of the Security Council, declared in her opening statement that the Council has a ''security imperative'' to tackle climate change because it can exacerbate problems that cause conflicts and because it threatens the entire planet. United Nations Secretary-General Ban Ki-moon told the Council that ''issues of energy and climate change have implications for peace and security''.

(14) Working Group III of the IPCC met from April 30 through May 4, 2007, in Bangkok, Thailand to assess technologies and policies needed to avert dangerous climate change and to provide background for negotiations on a post-2012 climate change regime. The draft report by the IPCC Working Group III concludes that by quickly adopting technological options that are available or are being developed, the global concentration of greenhouse gases in the atmosphere can be stabilized at 450–550 parts per million (ppm). The IPCC scientists believe that a 450 to 550 ppm ceiling might limit the global rise in temperatures to no more than 3.6 degrees Fahrenheit and avert impacts of escalating scale, scope, and costs, potentially including the destabilization of large polar ice sheets that could contribute to long-term, catastrophic sea level rise at higher temperatures.

(15) The United Nations Secretary-General Ban Ki-moon has indicated that one of his top goals is to forge a more comprehensive agreement under the Convention to ensure there is no gap when the first commitment period under the Kyoto Protocol ends in 2012. In order to reach this goal, critical negotiations involving all of the major greenhouse gas emitters, along with the vulnerable countries, must be initiated immediately and be completed by 2009. On May 1, 2007, the Secretary-General named three Special Envoys on Climate Change to assist in ''consultations with Governments''. The Secretary-General will host a ''high-level meeting'' on climate change at the United Nations General Assembly in September 2007 to give ''political direction'' to the thirteenth Convention Conference of the Parties (COP–13) to take place in December 2007 in Bali, Indonesia.

SEC. 2102. CONGRESSIONAL STATEMENT OF POLICY.

Congress declares the following to be the policy of the United States:

(1) To promote United States and global security through leadership in cooperation with other nations of the global effort to reduce and stabilize global greenhouse gas emissions and stabilize atmospheric concentration of such gases. As such, the United States will seek to obtain mitigation commitments from all major greenhouse gas emitting countries under the institutional framework provided by the United Nations Framework Convention on Climate Change (hereinafter in this section referred to as the ''Convention'').

(2) To facilitate progress in global negotiations toward a comprehensive agreement under the Convention, and in service of this goal, the United States will, during the course of 2007, engage in high level dialogue on climate change within the Group of Eight (G–8), with the European Union, with Japan and other industrialized countries, and with China, India, Brazil, and other major developing countries. The United States will also participate in the initiative of the United Nations Secretary-General to build consensus among governments on enhanced international cooperation on these matters.

(3) To participate more actively and constructively in the intergovernmental climate change process, including at the thirteenth Convention Conference of the Parties (COP–13) to take place in December 2007 in Bali, Indonesia. As such, at the COP–13 meeting, the United States will be represented by a high-level delegation composed of climate experts and career foreign service officers with extensive diplomatic experience, including experience in multi-lateral negotiations, headed by the Secretary of State, the Secretary's Deputy, or the Undersecretary for Global Affairs of the Department of State.

(4) To engage in serious discussion of possible future commitments under the Convention. These discussions will seek to develop a plan of action and time-table with the goal of adopting a new international agreement under the Convention that stipulates commitments from all major greenhouse gas emitters, including the United States and other countries listed in Annex 1 to the Convention, China, India, and Brazil, at the fifteenth Convention Conference of the Parties (COP–15) to take place in 2009. This process will seek as its objective that a new instrument will come into force by the time the first commitment period under the Kyoto Protocol ends in 2012.

(5) To protect United States national and economic interests and United States competitiveness in all sectors by negotiating a new agreement under the Convention that is cost effective, comprehensive, flexible, and equitable. Such an agreement shall, at a minimum—

(A) require binding mitigation commitments from all major emitting countries based on their level of development;

(B) provide for different forms of commitments, including economy-wide emissions targets, policy-based commitments, sectoral agreements, and no-regrets targets;

(C) increase cooperation on clean and efficient energy technologies and practices;

(D) target all greenhouse gases, including sources, sinks, and reservoirs of greenhouse gases, and should expand the current scope of the Kyoto Protocol and Convention to sectors not covered, such as the international aviation and maritime sectors;

(E) include mechanisms to harness market-based solutions, building upon the joint implementation, clean development mechanism, and international emissions trading developed under the Protocol;

(F) include incentives for sustainable forestry management that reflect the value of avoided deforestation;

(G) address the need for adaptation, especially for the most vulnerable and poorest countries on the planet;

(H) consider the impact on United States industry and contain effective mechanisms to protect United States competitiveness; and

(I) include the perspectives and address the concerns of impacted indigenous and tribal populations.

(6) To seek international consensus on long-term objectives including a target range for stabilizing greenhouse gas concentrations. The target range should reflect the consensus recommendations of Intergovernmental Panel on Climate Change (IPCC) scientists, who believe that concentrations of greenhouse gases in the Earth's atmosphere must be stabilized at a level that would provide a reasonable chance of limiting the rise in global temperatures to a level that might avert the most dangerous impacts of climate change.

SEC. 2103. OFFICE ON GLOBAL CLIMATE CHANGE.

(a) ESTABLISHMENT OF OFFICE.—There is established within the Department of State an Office on Global Climate Change (hereinafter in this section referred to as the ''Office'').

(b) HEAD OF OFFICE.—

(1) IN GENERAL.—The head of the Office shall be the Ambassador-at-Large for Global Climate Change (hereinafter in this section referred to as the ''Ambassador-at-Large'').

(2) APPOINTMENT.—The Ambassador-at-Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the Ambassador-at-Large shall be to advance the goals of the United States with respect to reducing the emissions of global greenhouse gases and addressing the challenges posed by global climate change.

(2) ADVISORY ROLE.—The Ambassador-at-Large—

(A) shall be a principal adviser to the President and the Secretary of State on matters relating to global climate change; and

(B) shall make recommendations to the President and the Secretary of State on policies of the United States Government with respect to international cooperation on reducing the emission of global greenhouse gases and addressing the challenges posed by global climate change.

(3) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador-at-Large is authorized to represent the United States in matters relating to global climate change in—

(A) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization on Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(B) multilateral conferences and meetings relating to global climate change.

(d) FUNDING.—The Secretary of State shall provide the Ambassador-at-Large with such funds as may be necessary for the hiring of staff for the Office, the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.

(e) REPORT.—Not later than September 1 of each year, the Secretary of State, with the assistance of the Ambassador-at-Large, shall prepare and submit to the appropriate congressional committees a report on the strategy, policies, and actions of the United States for reducing the emissions of global greenhouse gases and addressing the challenges posed of global climate change.

Subtitle B—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

SEC. 2201. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) Several provisions of the Energy Policy Act of 1992 were designed to expand Federal programs that support renewable energy and energy efficient equipment exports and to broaden the portfolio of programs to include training and technology transfer activities that help promote development in less industrialized nations, expand global markets, and reduce greenhouse gas emissions. However, few of the export-related provisions of the Energy Policy Act of 1992 were implemented due to a lack of Federal funding.

(2) In 2000, Congress called for several United States Government agencies to create an Interagency Working Group to support a Clean Energy Technology Exports Initiative to use the combined resources of various agencies to promote the export of clean energy technologies abroad. The Initiative also suffered from low levels of Federal funding and has not produced significant results.

(3) Large and emerging economies, such as India and China, play significant roles in the global energy security system as large consumers of energy and should be included as member countries in the International Energy Agency to strengthen the common interest of importers in encouraging transparent energy markets and in planning for supply disruptions.

(4) The challenge of energy security severely affects developing countries where over 1.6 billion people lack access to affordable energy services. In these nations, a lack of transparency and accountability creates a climate of mistrust for investors; bilateral and multilateral lending institutions do not provide sufficient incentives to companies investing in clean and efficient energy technologies; women and children suffer disproportionately due to the lack of energy services; inaccessibility of energy services impedes other development programs in education, health, agriculture, and the environment; and dependence on imported fuels leaves countries vulnerable to supply disruptions and economic shocks.

(5) In addition to promoting the export of clean energy technologies, large energy-consuming economies must also have appropriate incentive systems, policy and regulatory frameworks, and investment climates in place to accept and promote the adoption of such technologies.

(6) More than $16 trillion needs to be invested in energy-supply infrastructure worldwide by 2030 to meet energy demand, and almost half of total energy investment will take place in developing countries, where production and demand are expected to increase the most.

(7) Public and private sector capital will be needed to fulfill future demand. The opportunity exists for public and private actors to coordinate efforts and leverage resources to direct this investment into technologies, practices, and services that promote energy efficiency, clean-energy production, and a reduction in global greenhouse gas emissions.

(8) In attempting to address the global climate change challenge, the United States Government recently launched the Asia Pacific Partnership on Clean Development and Climate, which is meant to accelerate the development and deployment of clean energy technologies. However, this Partnership operates in a non-binding framework that does not require any emissions reductions from the partner countries.

SEC. 2202. UNITED STATES ASSISTANCE FOR DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Administrator of the United States Agency for International Development shall support policies and programs in developing countries that promote clean and efficient energy technologies—

(1) to produce the necessary market conditions for the private sector delivery of energy and environmental management services;

(2) to create an environment that is conducive to accepting clean and efficient energy technologies that support the overall purpose of reducing greenhouse gas emissions, including—

(A) improving policy, legal, and regulatory frameworks;

(B) increasing institutional abilities to provide energy and environmental management services; and

(C) increasing public awareness and participation in the decision-making of delivering energy and environmental management services; and

(3) to promote the use of American-made clean and efficient energy technologies, products, and energy and environmental management services.

(b) REPORT.—The Administrator of the United States Agency for International Development shall submit to the appropriate committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Administrator of the United States Agency for International Development $200,000,000 for each of the fiscal years 2008 through 2012.

SEC. 2203. UNITED STATES EXPORTS AND OUTREACH PROGRAMS FOR INDIA, CHINA, AND OTHER COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the United States and Foreign Commercial Service to expand or create a corps of the Foreign Commercial Service officers to promote United States exports in clean and efficient energy technologies and build the capacity of government officials in India, China, and any other country the Secretary of Commerce determines appropriate, to become more familiar with the available technologies—

(1) by assigning or training Foreign Commercial Service attachés, who have expertise in clean and efficient energy technologies from the United States, to embark on business development and outreach efforts to ''such countries''; and

(2) by deploying the attachés described in paragraph (1) to educate provincial, state, and local government officials in ''such countries'' on the variety of United States-based technologies in clean and efficient energy technologies for the purposes of promoting United States exports and reducing global greenhouse gas emissions.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 2204. UNITED STATES TRADE MISSIONS TO ENCOURAGE PRIVATE SECTOR TRADE AND INVESTMENT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the International Trade Administration to expand or create trade missions to and from the United States to encourage private sector trade and investment in clean and efficient energy technologies—

(1) by organizing and facilitating trade missions to foreign countries and by matching United States private sector companies with opportunities in foreign markets so that clean and efficient energy technologies can help to combat increases in global greenhouse gas emissions; and

(2) by creating reverse trade missions in which the Department of Commerce facilitates the meeting of foreign private and public sector organizations with private sector companies in the United States for the purpose of showcasing clean and efficient energy technologies in use or in development that could be exported to other countries.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 2205. ACTIONS BY OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) FINDINGS.—Congress finds the following:

(1) Many of the emerging markets within which the Overseas Private Investment Corporation supports projects have immense energy needs and will require significant investment in the energy sector in the coming decades.

(2) The use, or lack of use, of clean and efficient energy technologies can have a dramatic effect on the rate of global greenhouse gas emissions from emerging markets in the coming decades.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Overseas Private Investment Corporation should promote greater investment in clean and efficient energy technologies by—

(1) proactively reaching out to United States companies that are interested in investing in clean and efficient energy technologies in countries that are significant contributors to global greenhouse gas emissions;

(2) giving preferential treatment to the evaluation and awarding of projects that involve the investment or utilization of clean and efficient energy technologies; and

(3) providing greater flexibility in supporting projects that involve the investment or utilization of clean and efficient energy technologies, including financing, insurance, and other assistance.

(c) REPORT.—The Overseas Private Investment Corporation shall include in its annual report required under section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a)—

(1) a description of the activities carried out to implement this section; or

(2) if the Corporation did not carry out any activities to implement this section, an explanation of the reasons therefor.

SEC. 2206. ACTIONS BY UNITED STATES TRADE AND DEVELOPMENT AGENCY.

(a) ASSISTANCE AUTHORIZED.—The Director of the Trade and Development Agency shall establish or support policies that—

(1) proactively seek opportunities to fund projects that involve the utilization of clean and efficient energy technologies, including in trade capacity building and capital investment projects;

(2) give preferential treatment to the evaluation and awarding of projects that involve the utilization of clean and efficient energy technologies, particularly to countries that have the potential for significant reduction in greenhouse gas emissions; and

(3) recruit and retain individuals with appropriate expertise in clean, renewable, and efficient energy technologies to identify and evaluate opportunities for projects that involve clean and efficient energy technologies and services.

(b) REPORT.—The President shall include in the annual report on the activities of the Trade and Development Agency required under section 661(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(d)) a description of the activities carried out to implement this section.

SEC. 2207. GLOBAL CLIMATE CHANGE EXCHANGE PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of State is authorized to establish a program to strengthen research, educational exchange, and international cooperation with the aim of reducing global greenhouse gas emissions and addressing the challenges posed by global climate change. The program authorized by this subsection shall be carried out pursuant to the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) and may be referred to as the ''Global Climate Change Exchange Program''.

(b) ELEMENTS.—The program authorized by subsection (a) shall contain the following elements:

(1) The financing of studies, research, instruction, and other educational activities dedicated to reducing carbon emissions and addressing the challenge of global climate change—

(A) by or to United States citizens and nationals in foreign universities, governments, organizations, companies, or other institutions; and

(B) by or to citizens and nationals of foreign countries in United States universities, governments, organizations, companies, or other institutions.

(2) The financing of visits and exchanges between the United States and other countries of students, trainees, teachers, instructors, professors, researchers, and other persons who study, teach, and conduct research in subjects such as the physical sciences, environmental science, public policy, economics, urban planning, and other subjects and focus on reducing greenhouse gas emissions and addressing the challenges posed by global climate change.

(c) ACCESS.—The Secretary of State shall ensure that the program authorized by subsection (a) is available to—

(1) historically Black colleges and universities that are part B institutions (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5))), Tribal Colleges or Universities (as such term is defined in section 316 of such Act (20 U.S.C. 1059c)), and other minority institutions (as such term is defined in section 365(3) of such Act (20 U.S.C. 1067k(3))), and to the students, faculty, and researchers at such colleges, universities, and institutions; and

(2) small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women (as such terms are defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3))).

(d) REPORT.—The Secretary of State shall transmit to the appropriate committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of State $3,000,000 for each of the fiscal years 2008 through 2012.

SEC. 2208. INTERAGENCY WORKING GROUP TO SUPPORT A CLEAN ENERGY TECHNOLOGY EXPORTS INITIATIVE.

(a) ASSISTANCE AUTHORIZED.—The President shall provide assistance to the Interagency Working Group to support a Clean Energy Technology Exports Initiative—

(1) to improve the ability of the United States to respond to international competition by leveraging the resources of Federal departments and agencies effectively and efficiently and by raising policy issues that may hamper the export of United States clean energy technologies abroad;

(2) to fulfill, as appropriate, the mission and objectives as noted in the report entitled, Five-Year Strategic Plan of the Clean Energy Technology Exports Initiative, submitted to Congress in October 2002; and

(3) to raise the importance and level of oversight of the Interagency Working Group to the heads of the Federal departments and agencies that are participating in the Interagency Working Group.

(b) REPORT.—The Administrator of the United States Agency for International Development, the Secretary of Commerce, and the Secretary of Energy shall jointly submit to the appropriate committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to appropriated to the President $5,000,000 for each of the fiscal years 2008 through 2012.

Subtitle C—International Clean Energy Foundation

SEC. 2301. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 2302(c).

(2) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 2302(b).

(3) FOUNDATION.—The term ''Foundation'' means the International Clean Energy Foundation established by section 2302(a).

SEC. 2302. ESTABLISHMENT AND MANAGEMENT OF FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a foundation to be known as the ''International Clean Energy Foundation'' that shall be responsible for carrying out the provisions of this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State (or the Secretary's designee) in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress, in establishing the structure of the Foundation set forth in this subsection, to create an entity that serves the long-term foreign policy and energy security goals of reducing global greenhouse gas emissions.

(b) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board, with the advice and consent of the Senate, and shall be a recognized leader in clean and efficient energy technologies and climate change and shall have experience in energy security, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to, and be under the direct authority of, the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, International Clean Energy Foundation.''.

(C) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(D) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(c) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Energy (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) four other individuals with relevant experience in matters relating to energy security (such as individuals who represent institutions of energy policy, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) ACTING MEMBERS.—A vacancy in the Board may be filled with an appointment of an acting member by the Chairperson of the Board for up to 1 year while a nominee is named and awaits confirmation in accordance with paragraph (3)(B).

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least 1 member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson, who shall call a meeting no less than once a year.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this subtitle at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 2303. DUTIES OF FOUNDATION.

The Foundation shall—

(1) use the funds authorized by this subtitle to make grants to promote projects outside of the United States that serve as models of how to significantly reduce the emissions of global greenhouse gases through clean and efficient energy technologies, processes, and services;

(2) seek contributions from foreign governments, especially those rich in energy resources such as member countries of the Organization of the Petroleum Exporting Countries, and private organizations to supplement funds made available under this subtitle;

(3) harness global expertise through collaborative partnerships with foreign governments and domestic and foreign private actors, including nongovernmental organizations and private sector companies, by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to reduce global greenhouse gas emissions;

(4) create a repository of information on best practices and lessons learned on the utilization and implementation of clean and efficient energy technologies and processes to be used for future initiatives to tackle the climate change crisis;

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this subtitle; and

(6) promote the use of American-made clean and efficient energy technologies, processes, and services.

SEC. 2304. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 2305(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the basis upon which competitive grant proposals were solicited and awarded to nongovernmental institutions and other organizations;

(3) a list of grants made to nongovernmental institutions and other organizations that includes the identity of the institutional recipient, the dollar amount, and the results of the program; and

(4) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 2305. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept money, funds, services, or property (real, personal, or mixed), tangible or intangible, made available by gift, bequest grant, or otherwise for the purpose of carrying out the provisions of this title from domestic or foreign private individuals, charities, nongovernmental organizations, corporations, or governments;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(R) the International Clean Energy Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 2307(a) for a fiscal year, up to $500,000 is authorized to be made available to the Inspector General of the Department of State

to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 2306. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, no more than 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subtitle, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

TITLE III—SMALL ENERGY EFFICIENT BUSINESSES

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Small Energy Efficient Businesses Act''.

SEC. 3002. FINDINGS.

Congress finds the following:

(1) Energy efficiency is in our national interest for our long term economic well being, for the health and safety of our citizens and the world, and for our independence and security.

(2) Small businesses are more efficient, nimble, and innovative than large businesses and therefore more likely to integrate and benefit from energy efficient technology advances and upgrades, but they are less likely to have the capital to institute these advances quickly.

(3) The majority of businesses (two-thirds) say they have been unable to invest in comprehensive energy efficiency programs for their businesses thus far, though they know of them and believe they are effective.

(4) A pilot program has demonstrated that individualized counseling and training combined with loan and grant availability and other incentives are very popular and effective in helping small businesses learn about and adopt energy conservation methods.

(5) The energy saving benefit of such programs, if they can be implemented on a national basis, would contribute significantly to our energy independence and security.

(6) New and emerging technologies are on the rise, and small businesses are leading the way, for example the vast majority of renewable fuels producers, such as biodiesel and ethanol, are small businesses.

(7) Small businesses currently use almost half of the Nation's business related energy consumption and employ half of the Nation's workforce, yet the Energy Star program, the lead Federal energy efficiency program allocates less than 2 percent of its resources to its small business program and should allocate more to educate small businesses.

(8) Therefore, it is in the national interest for the Federal Government to invest in incentives in the form of improved loan terms, additional investment inducements, and expert counseling and information to assist small businesses to develop, invest in, and purchase energy efficient buildings, equipment, fixtures, and other technology.

SEC. 3003. LARGER 504 LOAN LIMITS TO HELP BUSINESS DEVELOP ENERGY EFFICIENT TECHNOLOGIES AND PURCHASES.

(a) ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.—Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking ''or'' at the end;

(2) in subparagraph (H) by striking the period at the end and inserting a comma; and

(3) by inserting after subparagraph (H) the following:

''(I) reduction of energy consumption by at least 10 percent,

''(J) increased use of sustainable design or low-impact design to produce buildings that reduce the use of non-renewable resources, minimize environmental impact, and relate people with the natural environment, or

''(K) plant, equipment and process upgrades of renewable energy sources such as micropower or renewable fuels producers including biodiesel and ethanol producers.''.

(b) LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking ''and'' at the end;

(2) in clause (iii) by striking the period at the end and inserting a semicolon; and

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

''(iv) $4,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent; and

''(v) $4,000,000 for each project that generates renewable energy or renewable fuels, such as biodiesel or ethanol production.''.

SEC. 3004. REDUCED 7(a) FEES AND HIGHER LOAN GUARANTEES FOR PURCHASE OF ENERGY EFFICIENT TECHNOLOGIES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(35) LOANS FOR ENERGY EFFICIENT TECHNOLOGIES.—The Administrator shall carry out a program for loans the proceeds of which are used to purchase energy efficient equipment or fixtures or to reduce the energy consumption of the borrower, including, but not limited to, renewable fuels and energy products such as biodiesel and ethanol, by 10 percent or more. For a loan made under this paragraph, the following shall apply:

''(A) The loan shall include the participation by the Administration equal to 90 percent of the balance of the financing outstanding at the time of disbursement.

''(B) The fees on the loan under paragraphs (18) and (23) shall be reduced by half.''.

SEC. 3005. SMALL BUSINESS SUSTAINABILITY INITIATIVE.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

''(n) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

''(1) IN GENERAL.—A Small Business Development Center may apply for an additional grant to carry out a small business sustainability initiative program.

''(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

''(A) provide necessary support to smaller and medium-sized businesses to—

''(i) evaluate energy efficiency and green building opportunities;

''(ii) evaluate renewable energy sources such as the use of solar and small wind to supplement power consumption;

''(iii) secure financing to achieve energy efficiency or to construct green buildings; and

''(iv) empower management to implement energy efficiency projects;

''(B) assist entrepreneurs with clean technology development and technology commercialization through—

''(i) technology assessment;

''(ii) intellectual property;

''(iii) Small Business Innovation Research submissions;

''(iv) strategic alliances;

''(v) business model development; and

''(vi) preparation for investors; and

''(C) help small business improve environmental performance by shifting to less hazardous materials and reducing waste and emissions at the source, including by providing assistance for businesses to adapt the materials they use, the processes they operate, and the products and services they produce.

''(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $150,000.

''(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $300,000.

''(5) AUTHORIZATION OF APPROPRIATIONS.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out the provisions of this subsection.''.

SEC. 3006. SMALL BUSINESS ADMINISTRATION TO EDUCATE AND PROMOTE ENERGY EFFICIENCY IDEAS TO SMALL BUSINESSES AND WORK WITH THE SMALL BUSINESS COMMUNITY TO MAKE SUCH INFORMATION WIDELY AVAILABLE.

The Small Business Act is amended—

(1) by redesignating section 37 as section 99; and

(2) by inserting after section 36 (15 U.S.C. 657f) the following:

"SEC. 37. PROGRAM TO PROVIDE EDUCATION ON ENERGY EFFICIENCY.

''(a) PROGRAM REQUIRED.—The Administrator shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business program, to assist small businesses in—

''(1) becoming more energy efficient;

''(2) understanding the cost savings from improved energy efficiency; and

''(3) identifying financing options for energy efficiency upgrades.

''(b) CONSULTATION AND COOPERATION.—The program required by subsection (a) shall be developed and coordinated—

''(1) in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency; and

''(2) in cooperation with any entities the Administrator considers appropriate, such as industry trade associations, industry members, and energy efficiency organizations.

''(c) AVAILABILITY OF INFORMATION.—The Administrator shall make available the information and materials developed under the program required by subsection (a) to—

''(1) small businesses; and

''(2) other Federal programs for energy efficiency, such as the Energy Star for Small Business program.

''(d) STRATEGY AND REPORT.—

''(1) STRATEGY REQUIRED.—The Administrator shall develop a strategy to educate, encourage, and assist small business to adopt energy efficient building fixtures and equipment.

''(2) REPORT.—Not later than December 31, 2008, the Administrator shall submit to Congress a report containing a plan to implement the strategy.''.

SEC. 3007. ENERGY SAVING DEBENTURES.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following new subsection:

''(k) ENERGY SAVING DEBENTURES.—

''(1) IN GENERAL.—In addition to any other authority under this Act, a small business investment company licensed after September 30, 2007, shall have authority to issue Energy Saving debentures.

''(2) ENERGY SAVING DEBENTURE DEFINED.—As used in this Act, the term 'Energy Saving debenture' means a deferred interest debenture that—

''(A) is issued at a discount;

''(B) has a five-year maturity or a ten-year maturity;

''(C) requires no interest payment or annual charge for the first five years;

''(D) is restricted to Energy Saving qualified investments; and

''(E) is issued at no cost (as defined in section 502 of the Credit Reform Act of 1990) with respect to purchasing and guaranteeing the debenture.

''(3) ENERGY SAVING QUALIFIED INVESTMENT DEFINED.—As used in this Act, the term 'Energy Saving qualified investment' means investment in a small business that is primarily engaged in researching, manufacturing, developing, or providing products, goods, or services that reduce the use or consumption of non-renewable energy resources.''.

SEC. 3008. INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.

(a) MAXIMUM LEVERAGE.—Paragraph (2) of subsection (b) of section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(2)) is amended by adding at the end the following new subparagraph:

''(D) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—In calculating the outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any Energy Saving qualified investment (as defined in subsection (k)) made after September 30, 2007, by a company licensed after September 30, 2007, in a smaller enterprise, to the extent that the total of such amounts does not exceed 50 percent of the company's private capital, subject to such terms as the Administrator may impose to assure no cost (as defined in section 502 of the Federal Credit Reform Act of 1990) with respect to purchasing or guaranteeing any debenture involved.''.

(b) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—Paragraph (4) of subsection (b) of section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(4)) is amended by adding at the end the following new subparagraph:

''(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—In calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any Energy Saving qualified investment (as defined in subsection (k)) made after September 30, 2007, by a company licensed after September 30, 2007, in a smaller enterprise, to the extent that the total of such amounts does not exceed 50 percent of the company's private capital, subject to such terms as the Administrator may impose to assure no cost (as defined in section 502 of the Federal Credit Reform Act of 1990) with respect to purchasing or guaranteeing any debenture involved.''.

SEC. 3009. RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following new part:

"PART C—RENEWABLE FUEL CAPITAL INVESTMENT PILOT PROGRAM

"SEC. 381. DEFINITIONS.

''In this part, the following definitions apply:

''(1) VENTURE CAPITAL.—The term 'venture capital' means capital in the form of equity capital investments. For the purposes of this paragraph, the term 'equity capital' has the same meaning given such term in section 303(g)(4).

''(2) RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.—The term 'Renewable Fuel Capital Investment Company' means a company that—

''(A) has been granted final approval by the Administrator under section 384(e); and

''(B) has entered into a participation agreement with the Administrator.

''(3) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

''(4) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 384(e), that—

''(A) details the company's operating plan and investment criteria; and

''(B) requires the company to make investments in smaller enterprises primarily engaged in researching, manufacturing, developing, or bringing to market renewable energy sources.

''(5) RENEWABLE ENERGY.—The term 'renewable energy means' energy derived from resources that are regenerative or that cannot be depleted, including but not limited to ethanol and biodiesel fuels.

''(6) STATE.—The term 'State' means such of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

"SEC. 382. PURPOSES.

''The purposes of the Renewable Fuel Capital Investment Program established under this part are—

''(1) to promote the research, development, manufacture and bringing to market of renewable energy sources by encouraging venture capital investments in smaller enterprises primarily engaged such activities; and

''(2) to establish a venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises engaged in researching, developing, manufacturing, and bringing to market renewable energy sources, to be administered by the Administrator—

''(A) to enter into participation agreements with Renewable Fuel Capital Investment companies;

''(B) to guarantee debentures of Renewable Fuel Capital Investment companies to enable each such company to make venture capital investments in smaller enterprises engaged in the research, development, manufacture, and bringing to market renewable energy sources; and

''(C) to make grants to Renewable Fuel Investment Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 383. ESTABLISHMENT.

''In accordance with this part, the Administrator shall establish a Renewable Fuel Capital Investment Program, under which the Administrator may—

''(1) enter into participation agreements with companies granted final approval under section 384(e) for the purposes set forth in section 382; and

''(2) guarantee the debentures issued by Renewable Fuel Capital Investment companies as provided in section 385.

"SEC. 384. SELECTION OF RENEWABLE FUEL CAPITAL INVESTMENT COMPANIES.

''(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a Renewable Fuel Capital Investment company, in the program established under this part if—

''(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

''(2) the company has a management team with experience in alternative energy financing or relevant venture capital financing; and

''(3) the company has a primary objective of investment in companies that research, manufacture, develop, or bring to market renewable energy sources.

''(b) APPLICATION.—To participate, as a Renewable Fuel Capital Investment company, in the program established under this part a company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administrator that includes—

''(1) a business plan describing how the company intends to make successful venture capital investments in smaller businesses primarily engaged in the research, manufacture, development, or bringing to market of renewable energy sources;

''(2) information regarding the relevant venture capital qualifications and general reputation of the company's management;

''(3) a description of how the company intends to seek to address the unmet capital needs of the smaller businesses served;

''(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals when necessary on the company's staff or from an outside entity;

''(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

''(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

''(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the company's business plan; and

''(8) such other information as the Administrator may require.

''(c) CONDITIONAL APPROVAL.—

''(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall, in accordance with this subsection, conditionally approve companies to participate in the Renewable Fuel Capital Investment Program.

''(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administrator shall consider the following:

''(A) The likelihood that the company will meet the goal of its business plan.

''(B) The experience and background of the company's management team.

''(C) The need for venture capital investments in the geographic areas in which the company intends to invest.

''(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

''(E) The likelihood that the company will be able to satisfy the conditions under subsection (d).

''(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

''(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable cash requirements and properly utilize in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by persons on the company's staff or by persons outside of the company.

''(H) Any other factors deemed appropriate by the Administrator.

''(3) NATIONWIDE DISTRIBUTION.—The Administrator shall select companies under paragraph (1) in such a way that promotes investment nationwide.

''(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administrator shall grant each conditionally approved company a period of time, not to exceed 2 years, to satisfy the following requirements:

''(1) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.

''(2) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

''(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

''(i) shall have binding commitments (for contribution in cash or in kind)—

''(I) from any sources other than the Small Business Administration that meet criteria established by the Administrator;

''(II) payable or available over a multiyear period acceptable to the Administrator (not to exceed 10 years); and

''(III) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

''(ii) shall have purchased an annuity—

''(I) from an insurance company acceptable to the Administrator;

''(II) using funds (other than the funds raised under paragraph (1)), from any source other than the Administrator; and

''(III) that yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); or

''(iii) shall have binding commitments (for contributions in cash or in kind) of the type described in clause (i) and shall have purchased an annuity of the type described in clause (ii), which in the aggregate make available, over a multiyear period acceptable to the Administrator (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

''(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

''(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

''(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

''(C) LIMITATION.—In order to comply with the requirements of subparagraphs (A) and (B), the total amount of a company's in-kind contributions may not exceed 50 percent of the company's total contributions.

''(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved to operate as a Renewable Fuel Capital Investment Company under subsection (c), either—

''(1) grant final approval to the applicant to operate as a Renewable Fuel Capital Investment company under this part and designate the applicant as such a company, if the applicant—

''(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

''(B) enters into a participation agreement with the Administrator; or

''(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in that subsection, revoke the conditional approval granted under that subsection.

"SEC. 385. DEBENTURES.

''(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any Renewable Fuel Capital Investment company.

''(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

''(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

''(d) MAXIMUM GUARANTEE.—

''(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a Renewable Fuel Capital Investment company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

''(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

"SEC. 386. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

''(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a Renewable Fuel Capital Investment company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

''(b) GUARANTEE.—

''(1) IN GENERAL.—The Administrator may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

''(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

''(3) PREPAYMENT OR DEFAULT.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

''(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

''(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

''(e) SUBROGATION AND OWNERSHIP RIGHTS.—

''(1) SUBROGATION.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

''(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

''(f) MANAGEMENT AND ADMINISTRATION.—

''(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

''(2) CONTRACTING OF FUNCTIONS.—

''(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

''(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

''(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

''(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

''(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

''(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

''SEC. 387. FEES.

''(a) IN GENERAL.—Except as provided in section 386(d), the Administrator may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part, in an amount established annually by the Administration, as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act, which amounts shall be paid to and retained by the Administration.

''(b) OFFSET.—The Administrator may, as provided by section 388, offset fees changed and collected under subsection (a).

''SEC. 388. FEE CONTRIBUTION.

''(a) IN GENERAL.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the administrator shall contribute to fees paid by the Renewable Fuel Capital Investment companies under section 387.

''(b) ANNUAL ADJUSTMENT.—Each fee contribution under subsection (a) shall be effective for one fiscal year and shall be adjusted as necessary for each fiscal year thereafter to ensure that amounts under subsection (a) are fully used. The fee contribution for a fiscal year shall be based on the outstanding commitments made and the guarantees and grants that the Administrator projects will be made during that fiscal year, given the program level authorized by law for that fiscal year and any other factors that the Administrator deems appropriate.

''SEC. 389. OPERATIONAL ASSISTANCE GRANTS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In accordance with this section, the Administrator may make grants to Renewable Fuel Capital Investment companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

''(2) TERMS.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

''(3) GRANTS TO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

''(A) AUTHORITY.—In accordance with this section, the Administrator may make grants to specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies after the effective date of the Small Energy Efficient Businesses Act.

''(B) USE OF FUNDS.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the Small Energy Efficient Businesses Act) in a business located in a low-income geographic area.

''(C) SUBMISSION OF PLANS.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator, in such form and manner as the Administrator may require, a plan for use of the grant.

''(4) GRANT AMOUNT.—

''(A) RENEWABLE FUEL CAPITAL INVESTMENT COMPANIES.—The amount of a grant made under this subsection to a Renewable Fuel Capital Investment company shall be equal to the resources (in cash or in kind) raised by the company under section 354(d)(2).

''(B) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a Renewable Fuel Capital Investment company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to Renewable Fuel Capital Investment companies set forth in section 384(d)(2).

''(5) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (4), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

''(b) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Administrator may make supplemental grants to Renewable Fuel Capital Investment companies and to other entities, as authorized by this part under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

''(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other then those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

''(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a Renewable Fuel Capital Investment company or a specialized small business investment company.

''SEC. 390. BANK PARTICIPATION.

''(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any Renewable Fuel Capital Investment company, or in any entity established to invest solely in Renewable Fuel Capital Investment companies.

''(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

''SEC. 391. FEDERAL FINANCING BANK.

''Section 318 shall not apply to any debenture issued by a Renewable Fuel Capital Investment company under this part.

''SEC. 392. REPORTING REQUIREMENT.

''Each Renewable Fuel Capital Investment company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

''(1) information related to the measurement criteria that the company proposed in its program application; and

''(2) in each case in which the company under this part makes an investment in, or a loan or a grant to, a business that is not primarily engaged in the research, development, manufacture, or bringing to market or renewable energy sources, a report on the nature, origin, and revenues of the business in which investments are made.

''SEC. 393. EXAMINATIONS.

''(a) IN GENERAL.—Each Renewable Fuel Capital Investment company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Small Business Administration in accordance with this section.

''(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

''(c) COSTS.—

''(1) ASSESSMENT.—

''(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

''(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

''(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Small Business Administration.

''SEC. 394. MISCELLANEOUS.

''To the extent such procedures are not inconsistent with the requirements of this part, the Administrator may take such action as set forth in sections 309, 311, 312, and 314 of this Act.

''SEC. 395. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

''Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any Renewable Fuel Capital Investment company.

''SEC. 396. REGULATIONS.

''The Administrator may issue such regulations as it deems necessary to carry out the provisions of this part in accordance with its purposes.

''SEC. 397. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) GRANTS.—The Administrator is authorized to make $15,000,000 per fiscal year in operational assistance grants.

''(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 393(c)(2) are authorized to be appropriated only for the costs of examinations under section 393 and for the costs of other oversight activities with respect to the program established under this part.''.

SEC. 3010. STUDY AND REPORT.

The Administrator shall conduct a study of the Renewable Fuel Capital Investment Program under part C of title III of the Small Business Investment Act of 1958. Not later than 3 years after the date of the enactment of this Act, the Administrator shall complete the study and submit to the Congress a report of the results of the study.

TITLE IV—SCIENCE AND TECHNOLOGY

Subtitle A—Advanced Research Projects Agency-Energy

SEC. 4001. ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Agency-Energy (in this subtitle referred to as ''ARPA–E'') within the Department of Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(b) GOALS.—The goals of ARPA–E are to enhance the Nation's economic and energy security through the development of energy technologies that result in reductions of imports of energy from foreign sources, reductions of energy-related emissions including greenhouse gases, improvements in the energy efficiency of all economic sectors, and to ensure that the United States maintains a technological lead in developing and deploying energy technologies. ARPA–E will achieve this by—

(1) identifying and promoting revolutionary advances in fundamental sciences;

(2) translating scientific discoveries and cutting-edge inventions into technological innovations; and

(3) accelerating transformational technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty.

(c) DIRECTOR.—ARPA–E shall be headed by a Director who shall be appointed by the Secretary of Energy. The Director shall report to the Secretary. No other programs within the Department of Energy shall report to the Director of ARPA–E.

(d) RESPONSIBILITIES.—The Director shall administer the Fund established under section 4002 to award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, research foundations, trade and industry research collaborations, or consortia of such entities which may include federally funded research and development centers, to achieve the goals stated in subsection (b) through targeted acceleration of—

(1) novel early-stage energy research with possible technology applications;

(2) development of techniques, processes, and technologies, and related testing and evaluation;

(3) research and development of manufacturing processes for novel energy technologies; and

(4) demonstration and coordination with nongovernmental entities for commercial applications of energy technologies and research applications.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—The Director shall designate employees to serve as program managers for each of the programs established pursuant to the responsibilities established for ARPA–E under subsection (d). Program managers shall be responsible for—

(A) establishing research and development goals for the program, including through the convening of workshops and conferring with outside experts, as well as publicizing the goals to the public and private sectors;

(B) soliciting applications for specific areas of particular promise, especially those which the private sector or the Federal Government are not likely to undertake alone;

(C) building research collaborations for carrying out the program;

(D) selecting on the basis of merit, with advice under section 4003 as appropriate, each of the energy projects to be supported under the program following consideration of—

(i) the novelty and scientific and technical merit of the proposed projects;

(ii) the demonstrated capabilities of the applicants to successfully carry out the proposed research project;

(iii) the applicant's consideration of future commercial applications of the project, including the feasibility of partnering with 1 or more commercial entities; and

(iv) such other criteria as are established by the Director; and

(E) monitoring the progress of projects supported under the program, and prescribing program restructure or termination of research partnerships or whole projects that do not show promise.

(2) HIRING AND MANAGEMENT.—In hiring personnel for ARPA–E, the Director shall have the authority to make appointments of scientific, engineering, and professional personnel without regard to the civil service laws, and fix the compensation of such personnel at a rate to be determined by the Director. The term of appointments for employees may not exceed 3 years before the granting of any extension. In hiring initial staff the Secretary shall give preference to applicants with experience in the Defense Advanced Research Projects Agency, academia, or in private sector technology development. The Secretary or Director may contract with private recruiting firms in hiring qualified technical staff.

(3) ADDITIONAL HIRING.—The Director may hire additional technical, financial, managerial, or other staff as needed to carry out the activities of the program.

(f) COORDINATION AND NONDUPLICATION.—To the extent practicable, the Director shall ensure that the activities of ARPA–E are coordinated with, and do not duplicate the efforts of, existing programs and laboratories within the Department of Energy and other relevant research agencies. Where appropriate, the Director may coordinate technology transfer efforts with the Technology Transfer Coordinator established in section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

(g) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Secretary shall make information available to purchasing and procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through ARPA–E.

SEC. 4002. FUND.

(a) ESTABLISHMENT.—There is established in the Treasury the Energy Transformation Acceleration Fund (in this subtitle referred to as the ''Fund''), which shall be administered by the Director of ARPA–E for the purposes of carrying out this subtitle.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of ARPA–E for deposit in the Fund $300,000,000 for fiscal year 2008, $1,000,000,000 for fiscal year 2009, $1,100,000,000 for fiscal year 2010, $1,200,000,000 for fiscal year 2011, and $1,300,000,000 for fiscal year 2012, to remain available until expended.

(c) LIMITATION.—No amounts may be appropriated for the first year of funding for ARPA–E unless the amount appropriated for the activities of the Office of Science of the Department of Energy for that fiscal year exceed the amount appropriated for that Office for fiscal year 2007, as adjusted for inflation according to the Consumer Price Index.

(d) ALLOCATION.—Of the amounts appropriated for a fiscal year under subsection (b)—

(1) not more than 50 percent shall be for activities under section 4001(d)(4);

(2) not more than 8 percent shall be made available to Federally Funded Research and Development Centers;

(3) not more than 10 percent may be used for administrative expenses;

(4) at least 2.5 percent shall be designated for technology transfer and outreach activities; and

(5) during the first 5 years of operation of ARPA–E, no funds may be used for construction of new buildings or facilities.

SEC. 4003. ADVICE.

(a) ADVISORY COMMITTEES.—The Director may seek advice on any aspect of ARPA–E from—

(1) existing Department of Energy advisory committees; and

(2) new advisory committees organized to support the programs of ARPA–E and to provide advice and assistance on—

(A) specific program tasks; or

(B) overall direction of ARPA–E.

(b) ADDITIONAL SOURCES OF ADVICE.—The Director may seek advice and review from the National Academy of Sciences, the National Academy for Engineering, and any other professional or scientific organization with expertise in specific processes or technologies under development by ARPA–E.

SEC. 4004. ARPA–E EVALUATION.

After ARPA–E has been in operation for 54 months, the President's Committee on Science and Technology shall begin an evaluation (to be completed within 12 months) of how well ARPA–E is achieving its goals and mission. The evaluation shall include the recommendation of such Committee on whether ARPA–E should be continued or terminated, as well as lessons-learned from its operation. The evaluation shall be made available to Congress and to the public upon completion.

SEC. 4005. SAVINGS CLAUSE.

The authorities granted by this subtitle are in addition to existing authorities granted to the Secretary of Energy, and not intended to supersede or modify any existing authorities.

Subtitle B—Marine Renewable Energy Technologies

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the ''Marine Renewable Energy Research and Development Act of 2007''.

SEC. 4102. FINDINGS.

The Congress finds the following:

(1) The United States has a critical national interest in developing clean, domestic, renewable sources of energy in order to reduce environmental impacts of energy production, increase national security, improve public health, and bolster economic stability.

(2) Marine renewable energy technologies are a nonemitting source of power production.

(3) Marine renewable energy may serve as an alternative to fossil fuels and create thousands of new jobs within the United States.

(4) Europe has already successfully delivered electricity to the grid through the deployment of wave and tidal energy devices off the coast of Scotland.

(5) Recent studies from the Electric Power Research Institute, in conjunction with the Department of Energy's National Renewable Energy Laboratory, have identified an abundance of viable sites within the United States with ample wave and tidal resources to be harnessed by marine power technologies.

(6) Sustained and expanded research, development, demonstration, and commercial application programs are needed to locate and characterize marine renewable energy resources, and to develop the technologies that will enable their widespread commercial development.

(7) Federal support is critical to reduce the financial risk associated with developing new marine renewable energy technologies,

thereby encouraging the private sector investment necessary to make marine renewable energy resources commercially viable as a source of electric power and for other applications.

SEC. 4103. DEFINITIONS.

For purposes of this subtitle—

(1) MARINE RENEWABLE ENERGY.—The term ''Marine Renewable Energy'' means energy derived from one or more of the following sources:

(A) Waves.

(B) Tidal flows.

(C) Ocean currents.

(D) Ocean thermal energy conversion.

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

SEC. 4104. MARINE RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in conjunction with other appropriate agencies, shall support programs of research, development, demonstration, and commercial application to expand marine renewable energy production, including programs to—

(1) study and compare existing marine renewable energy extraction technologies;

(2) research, develop, and demonstrate advanced marine renewable energy systems and technologies;

(3) reduce the manufacturing and operation costs of marine renewable energy technologies;

(4) investigate efficient and reliable integration with the utility grid and intermittency issues;

(5) advance wave forecasting technologies;

(6) conduct experimental and numerical modeling for optimization of marine energy conversion devices and arrays;

(7) increase the reliability and survivability of marine renewable energy technologies, including development of corrosive-resistant materials;

(8) study, in conjunction with the Assistant Administrator for Research and Development of the Environmental Protection Agency, the Undersecretary of Commerce for Oceans and Atmosphere, and other Federal agencies as appropriate, the environmental impacts of marine renewable energy technologies and ways to address adverse impacts, and provide public information concerning technologies and other means available for monitoring and determining environmental impacts;

(9) establish protocols, in conjunction with the National Oceanic and Atmospheric Administration, for how the ocean community may best interact with marine renewable energy devices;

(10) develop power measurement standards for marine renewable energy;

(11) develop identification standards for marine renewable energy devices;

(12) address standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(13) utilize marine resources in the Gulf of Mexico, the Atlantic Ocean, and the Pacific Ocean.

(b) SITING CRITERIA.—The Secretary, in conjunction with other appropriate Federal agencies, shall develop, prior to installation of any technologies under this section, siting criteria for marine renewable energy generation demonstration and commercial application projects funded under this subtitle.

SEC. 4105. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

(a) CENTERS.—The Secretary, acting through the National Renewable Energy Laboratory, shall award grants to institutions of higher education (or consortia thereof) for the establishment of 1 or more National Marine Renewable Energy Research, Development, and Demonstration Centers. In selecting locations for Centers, the Secretary shall consider sites that meet one of the following criteria:

(1) Hosts an existing marine renewable energy research and development program in coordination with a public university engineering program.

(2) Has proven expertise to support environmental and policy-related issues associated with harnessing of energy in the marine environment.

(3) Has access to and utilizes the marine resources in the Gulf of Mexico, the Atlantic Ocean, or the Pacific Ocean.

The Secretary may give special consideration to historically black colleges and universities and land grant universities that also meet one of these criteria. In establishing criteria for the selection of Centers, the Secretary shall coordinate with the Undersecretary of Commerce for Oceans and Atmosphere on the criteria related to advancing wave forecasting technologies, studying the compatibility with the environment of marine renewable energy technologies and systems, and establishing protocols for how the ocean community best interacts with marine renewable energy devices and parks.

(b) PURPOSES.—The Centers shall advance research, development, demonstration, and commercial application of marine renewable energy through a number of initiatives including for the purposes described in section 4104(1) through (13), and shall serve as an information clearinghouse for the marine renewable energy industry, collecting and disseminating information on best practices in all areas related to developing and managing enhanced marine renewable energy systems resources.

(c) DEMONSTRATION OF NEED.—When applying for a grant under this section, an applicant shall include a description of why Federal support is necessary for the Center, including evidence that the research of the Center will not be conducted in the absence of Federal support.

SEC. 4106. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving the applicability of any requirement under any environmental or other Federal or State law.

SEC. 4107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $50,000,000 for each of the fiscal years 2008 through 2012, except that no funds shall be appropriated under this section for activities that are receiving funds under section 931(a)(2)(E)(i) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(E)(i)).

Subtitle C—Geothermal Energy

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Advanced Geothermal Energy Research and Development Act of 2007''.

SEC. 4202. FINDINGS.

The Congress finds the following:

(1) The United States has a critical national interest in developing clean, domestic, renewable sources of energy in order to mitigate the causes of climate change, reduce other environmental impacts of energy production, increase national security, improve public health, and bolster economic stability.

(2) Geothermal energy is a renewable energy resource.

(3) Geothermal energy is unusual among renewable energy sources because of its ability to provide an uninterrupted supply of baseload electricity.

(4) Recently published assessments by reputable experts, including the Massachusetts Institute of Technology, the Western Governors Association, and the National Renewable Energy Laboratory, indicate that the Nation's geothermal resources are widely distributed, vast in size, and barely tapped.

(5) Sustained and expanded research, development, demonstration, and commercial application programs are needed to locate and characterize geothermal resources, and to develop the technologies that will enable their widespread commercial development.

(6) Federal support is critical to reduce the financial risk associated with developing new geothermal technologies, thereby encouraging the private sector investment necessary to make geothermal resources commercially viable as a source of electric power and for other applications.

SEC. 4203. DEFINITIONS.

For purposes of this subtitle:

(1) ENGINEERED.—When referring to enhanced geothermal systems, the term ''engineered'' means subjected to intervention, including intervention to address one or more of the following issues:

(A) Lack of effective permeability or porosity or open fracture connectivity within the reservoir.

(B) Insufficient contained geofluid in the reservoir.

(C) A low average geothermal gradient, which necessitates deeper drilling.

(2) ENHANCED GEOTHERMAL SYSTEMS.—The term ''enhanced geothermal systems'' means geothermal reservoir systems that are engineered, as opposed to occurring naturally.

(3) GEOFLUID.—The term ''geofluid'' means any fluid used to extract thermal energy from the Earth which is transported to the surface for direct use or electric power generation, except that such term shall not include oil or natural gas.

(4) GEOPRESSURED RESOURCES.—The term ''geopressured resources'' mean geothermal deposits found in sedimentary rocks under higher than normal pressure and saturated with gas or methane.

(5) GEOTHERMAL.—The term ''geothermal'' refers to heat energy stored in the Earth's crust that can be accessed for direct use or electric power generation.

(6) HYDROTHERMAL.—The term ''hydrothermal'' refers to naturally occurring subsurface reservoirs of hot water or steam.

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

(8) SYSTEMS APPROACH.—The term ''systems approach'' means an approach to solving problems or designing systems that attempts to optimize the performance of the overall system, rather than a particular component of the system.

SEC. 4204. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support programs of research, development, demonstration, and commercial application to expand the use of geothermal energy production from hydrothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The Secretary, in consultation with other appropriate agencies, shall support a program to develop advanced geophysical, geochemical, and geologic tools to assist in locating hidden hydrothermal resources, and to increase the reliability of site characterization before, during, and after initial drilling. The program shall develop new prospecting techniques to assist in prioritization of targets for characterization. The program shall include a field component.

(2) INDUSTRY COUPLED EXPLORATORY DRILLING.—The Secretary shall support a program of cost-shared field demonstration programs,

to be pursued, simultaneously and independently, in collaboration with industry partners, for the demonstration of technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings. The program shall include incentives to encourage the use of advanced technologies and techniques.

SEC. 4205. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding extreme geothermal environments and necessary to cost-effectively develop, produce, and monitor geothermal reservoirs and produce geothermal energy. These components and systems shall include advanced casing systems (expandable tubular casing, low-clearance casing designs, and others), high-temperature cements, high-temperature submersible pumps, and high-temperature packers, as well as technologies for under-reaming, multilateral completions, high-temperature logging, and logging while drilling.

(b) RESERVOIR PERFORMANCE MODELING.—The Secretary shall support a program of research, development, demonstration, and commercial application of models of geothermal reservoir performance, with an emphasis on accurately modeling performance over time. Models shall be developed to assist both in the development of geothermal reservoirs and to more accurately account for stress-related effects in stimulated hydrothermal and enhanced geothermal systems production environments.

(c) ENVIRONMENTAL IMPACTS.—The Secretary shall—

(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use, and seek to ensure that geothermal energy development is consistent with the highest practicable standards of environmental stewardship; and

(2) in conjunction with the Assistant Administrator for Research and Development at the Environmental Protection Agency, support a research program to identify potential environmental impacts of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including effects on groundwater and local hydrology.

Any potential environmental impacts identified as part of the development, production, and use of geothermal energy shall be measured and examined against the potential emissions offsets of greenhouses gases gained by geothermal energy development, production, and use.

SEC. 4206. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—The Secretary shall support a program of research, development, demonstration, and commercial application of the technologies and knowledge necessary for enhanced geothermal systems to advance to a state of commercial readiness, including advances in—

(A) reservoir stimulation;

(B) reservoir characterization, monitoring, and modeling;

(C) stress mapping;

(D) tracer development;

(E) three-dimensional tomography;

(F) understanding seismic effects of reservoir engineering and stimulation; and

(G) laser-based drilling technology.

(2) ENHANCED GEOTHERMAL SYSTEMS RESERVOIR STIMULATION.—

(A) PROGRAM.—In collaboration with industry partners, the Secretary shall support a program of research, development, and demonstration of enhanced geothermal systems reservoir stimulation technologies and techniques. A minimum of 5 sites shall be selected in locations that show particular promise for enhanced geothermal systems development. Each site shall—

(i) represent a different class of subsurface geologic environments; and

(ii) take advantage of an existing site where subsurface characterization has been conducted or existing drill holes can be utilized, if possible.

(B) CONSIDERATION OF EXISTING SITES.—The following 2 sites, where Department of Energy and industry cooperative enhanced geothermal systems projects are already underway, may be considered for inclusion among the sites selected under subparagraph (A):

(i) Desert Peak, Nevada.

(ii) Coso, California.

SEC. 4207. GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS AND RECOVERY AND PRODUCTION OF GEOPRESSURED GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall establish a program of research, development, demonstration, and commercial application to support development of geothermal energy production from oil and gas fields and production and recovery of energy from geopressured resources. In addition, the Secretary shall conduct such supporting activities including research, resource characterization, and technology development as necessary.

(b) GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS.—The Secretary shall implement a grant program in support of geothermal energy production from oil and gas fields. The program shall include grants for a total of not less than three demonstration projects of the use of geothermal techniques such as organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(1) include not less than five oil or gas well sites per project award;

(2) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(3) cover a range of sizes up to one megawatt;

(4) are located at a range of sites;

(5) can be replicated at a wide range of sites;

(6) facilitate identification of optimum techniques among competing alternatives;

(7) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(8) satisfy other criteria that the Secretary determines are necessary to carry out the program and collect necessary data and information.

The Secretary shall give preference to assessments that address multiple elements contained in paragraphs (1) through (8).

(c) GRANT AWARDS.—Each grant award for demonstration of geothermal technology such as organic rankine cycle systems at oil and gas wells made by the Secretary under subsection (b) shall include—

(1) necessary and appropriate site engineering study;

(2) detailed economic assessment of site specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) design or adaptation of existing technology for site specific circumstances or conditions;

(5) installation of equipment, service, and support;

(6) operation for a minimum of one year and monitoring for the duration of the demonstration; and

(7) validation of technical and economic assumptions and documentation of lessons learned.

(d) GEOPRESSURED GAS RESOURCE RECOVERY AND PRODUCTION.—(1) The Secretary shall implement a program to support the research, development, demonstration, and commercial application of cost-effective techniques to produce energy from geopressured resources situated in and near the Gulf of Mexico.

(2) The Secretary shall solicit preliminary engineering designs for geopressured resources production and recovery facilities.

(3) Based upon a review of the preliminary designs, the Secretary shall award grants, which may be cost-shared, to support the detailed development and completion of engineering, architectural and technical plans needed to support construction of new designs.

(4) Based upon a review of the final design plans above, the Secretary shall award cost-shared development and construction grants for demonstration geopressured production facilities that show potential for economic recovery of the heat, kinetic energy and gas resources from geopressured resources.

(e) COMPETITIVE GRANT SELECTION.—Not less than 90 days after the date of the enactment of this Act, the Secretary shall conduct a national solicitation for applications for grants under the programs outlined in subsections (b) and (d). Grant recipients shall be selected on a competitive basis based on criteria in the respective subsection.

(f) WELL DRILLING.—No funds may be used under this section for the purpose of drilling new wells.

SEC. 4208. COST SHARING AND PROPOSAL EVALUATION.

(a) FEDERAL SHARE.—(1) The Federal share of costs of projects funded under this subtitle shall be in accordance with section 988 of the Energy Policy Act of 2005.

(2) The Secretary may waive the Federal cost share requirement for grants awarded to universities, national laboratories, or similar noncommercial entities awarded grants under this subtitle.

(3) The Secretary shall allow for a competitive bidding process to play a role in determining the final cost-share ratio.

(b) ORGANIZATION AND ADMINISTRATION OF PROGRAMS.—Programs under this subtitle shall incorporate the following organizational and administrative elements:

(1) Non-Federal participants shall be chosen through a competitive selection process.

(2) The request for proposals for each program shall stipulate, at a minimum, the following:

(A) The non-Federal funding requirements for projects.

(B) The funding mechanism to be used (i.e. grants, contracts, or cooperative agreements).

(C) Milestones and a schedule for completion.

(D) Criteria for evaluating proposals.

(3) In evaluating proposals, the Secretary shall give priority to proposals that draw on relevant expertise from industry, academia, and the national laboratories, as appropriate.

(4) The Secretary shall coordinate with, and where appropriate may provide funds in furtherance of the purposes of this subtitle to, other Department of Energy research and development programs focused on drilling, subsurface characterization, and other related technologies.

(5) In evaluating proposals, the Secretary shall consult with relevant experts from industry, academia, and the national laboratories, as appropriate.

(6) In evaluating proposals, the Secretary shall give priority to proposals that demonstrate clear evidence of employing a systems approach.

(7) In evaluating proposals for projects with a field component, the Secretary shall, where appropriate, give priority consideration to proposals that contain provisions to study local environmental impacts of the technologies developed or the operations undertaken.

(8) In evaluating proposals, the Secretary, in coordination with other appropriate agencies, shall seek to ensure that no funding authorized under this subtitle is awarded to any project that would result in adverse impacts to land, water, or other resources within the National Wilderness Preservation System, the National Park System, the National Wildlife Refuge System, the National Landscape Conservation System, the National Wild and Scenic Rivers System, the National Trails System, any National Monument, any Wilderness Study Area, any Research Natural Area, any National Marine Sanctuary, any Inventoried Roadless Area, or any Area of Critical Environmental Concern.

(9) Scientific data collected as a result of any project supported with funds provided under this subtitle shall be made available to the public.

SEC. 4209. CENTERS FOR GEOTHERMAL TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary shall award grants to institutions of higher education (or consortia thereof) to establish 2 Centers for Geothermal Technology Transfer.

(b) CENTERS.—

(1) HYDROTHERMAL CENTER.—The purpose of one Technology Transfer Center shall be to serve as an information clearinghouse for the geothermal industry, collecting and disseminating information on best practices in all areas related to developing and managing hydrothermal resources, including data available for disclosure as provided under section 4208(b)(9). This Center shall be based at the institution west of the Rocky Mountains that the Secretary considers to be best suited to the purpose. The Center shall collect and disseminate information on all subjects germane to the development and user of hydrothermal systems, including—

(A) resource location;

(B) reservoir characterization, monitoring, and modeling;

(C) drilling techniques;

(D) reservoir management techniques; and

(E) technologies for electric power conversion or direct use of geothermal energy.

(2) ENHANCED GEOTHERMAL SYSTEMS CENTER.—The purpose of a second Technology Transfer Center shall be to serve as an information clearinghouse for the geothermal industry, collecting and disseminating information on best practices in all areas related to developing and managing enhanced geothermal systems resources, including data available for disclosure as provided under section 4208(b)(9). This Center is encouraged to seek opportunities to coordinate efforts and share information with international partners engaged in research and development of enhanced geothermal systems or engaged in collection of data related to enhanced geothermal systems development. This Center shall be based at an academic institution east of the Rocky Mountains which, in the opinion of the Secretary, is best suited to provide national leadership on enhanced geothermal systems-related issues. The Center shall collect and disseminate information on all subjects germane to the development and use of enhanced geothermal systems.

(c) AWARD DURATION.—An award made by the Secretary under this section shall be for an initial period of 5 years, and may be renewed for additional 5-year periods on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center; and

(2) other requirements as specified by the Secretary.

SEC. 4210. GEOPOWERING AMERICA.

The Secretary shall expand the Department of Energy's GeoPowering the West program to extend its geothermal technology transfer activities throughout the entire United States. The program shall be renamed ''GeoPowering America''. The program shall continue to be based in the Department of Energy office in Golden, Colorado.

SEC. 4211. EDUCATIONAL PILOT PROGRAM.

The Secretary shall seek to award grant funding, on a competitive basis, to an institution of higher education for a geothermal-powered energy generation facility on the institution's campus. The purpose of the facility shall be to provide electricity and space heating. The facility shall also serve as an educational resource to students in relevant fields of study, and the data generated by the facility shall be available to students and the general public. The total funding award shall not exceed $2,000,000.

SEC. 4212. REPORTS.

(a) REPORTS ON ADVANCED USES OF GEOTHERMAL ENERGY.—Not later than 1 year, 3 years, and 5 years, after the date of enactment of this Act, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States. The reports shall include—

(1) the use of carbon dioxide as an alternative geofluid with potential carbon sequestration benefits;

(2) mineral recovery from geofluids;

(3) use of geothermal energy to produce hydrogen;

(4) use of geothermal energy to produce biofuels;

(5) use of geothermal heat for oil recovery from oil shales and tar sands; and

(6) other advanced geothermal technologies, including advanced drilling technologies and advanced power conversion technologies.

(b) PROGRESS REPORTS.—(1) Not later than 36 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an interim report describing the progress made under this subtitle. At the end of 60 months, the Secretary shall submit to Congress a report on the results of projects undertaken under this subtitle and other such information the Secretary considers appropriate.

(2) As necessary, the Secretary shall report to the Congress on any legal, regulatory, or other barriers encountered that hinder economic development of these resources, and provide recommendations on legislative or other actions needed to address such impediments.

SEC. 4213. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving the applicability of any requirement under any environmental or other Federal or State law.

SEC. 4214. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $90,000,000 for each of the fiscal years 2008 through 2012, of which $10,000,000 for each fiscal year shall be for carrying out section 4207. There are also authorized to be appropriated to the Secretary for the Intermountain West Geothermal Consortium $5,000,000 for each of the fiscal years 2008 through 2012.

Subtitle D—Solar Energy

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ''Solar Energy Research and Advancement Act of 2007''.

SEC. 4302. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''Secretary'' means the Secretary of Energy.

SEC. 4303. THERMAL ENERGY STORAGE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide lower cost and more viable thermal energy storage technologies to enable the shifting of electric power loads on demand and extend the operating time of concentrating solar power electric generating plants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for fiscal year 2008, $7,000,000 for fiscal year 2009, $9,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012.

SEC. 4304. CONCENTRATING SOLAR POWER COMMERCIAL APPLICATION STUDIES.

(a) INTEGRATION.—The Secretary shall conduct a study on methods to integrate concentrating solar power into regional electricity transmission systems, and to identify new transmission or transmission upgrades needed to bring electricity from high concentrating solar power resource areas to growing electric power load centers throughout the United States. The study shall analyze and assess cost-effective approaches for management and large-scale integration of concentrating solar power into regional electric transmission grids to improve electric reliability, to efficiently manage load, and to reduce demand on the natural gas transmission system for electric power. The Secretary shall submit a report to Congress on the results of this study not later than 12 months after the date of enactment of this Act.

(b) WATER CONSUMPTION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the results of a study on methods to reduce the amount of water consumed by concentrating solar power systems.

SEC. 4305. SOLAR ENERGY CURRICULUM DEVELOPMENT AND CERTIFICATION GRANTS.

(a) ESTABLISHMENT.—The Secretary shall establish in the Office of Solar Energy Technologies a competitive grant program to create and strengthen solar industry workforce training and internship programs in installation, operation, and maintenance of solar energy products. The goal of this program is to

ensure a supply of well-trained individuals to support the expansion of the solar energy industry.

(b) AUTHORIZED ACTIVITIES.—Grant funds may be used to support the following activities:

(1) Creation and development of a solar energy curriculum appropriate for the local educational, entrepreneurial, and environmental conditions, including curriculum for community colleges.

(2) Support of certification programs, such as the North American Board of Certified Energy Practitioners, for individual solar energy system installers, instructors, and training programs.

(3) Internship programs that provide hands-on participation by students in commercial applications.

(4) Activities required to obtain certification of training programs and facilities by the Institute of Sustainable Power or an equivalent industry-accepted quality-control certification program.

(5) Incorporation of solar-specific learning modules into traditional occupational training and internship programs for construction-related trades.

(6) The purchase of equipment necessary to carry out activities under this section.

(7) Support of programs that provide guidance and updates to solar energy curriculum instructors.

(c) ADMINISTRATION OF GRANTS.—Grants may be awarded under this section for up to 3 years. The Secretary shall award grants to ensure sufficient geographic distribution of training programs nationally. Grants shall only be awarded for programs certified by the Institute of Sustainable Power or an equivalent industry-accepted quality-control certification institution, or for new and growing programs with a credible path to certification. Due consideration shall be given to women, underrepresented minorities, and persons with disabilities.

(d) REPORT.—The Secretary shall make public, via the website of the Department or upon request, information on the name and institution for all grants awarded under this section, including a brief description of the project as well as the grant award amount.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2012.

SEC. 4306. DAYLIGHTING SYSTEMS AND DIRECT SOLAR LIGHT PIPE TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide assistance in the demonstration and commercial application of direct solar renewable energy sources to provide alternatives to traditional power generation for lighting and illumination, including light pipe technology, and to promote greater energy conservation and improved efficiency. All direct solar renewable energy devices supported under this program shall have the capability to provide measurable data on the amount of kilowatt-hours saved over the traditionally powered light sources they have replaced.

(b) REPORTING.—The Secretary shall transmit to Congress an annual report assessing the measurable data derived from each project in the direct solar renewable energy sources program and the energy savings resulting from its use.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''direct solar renewable energy'' means energy from a device that converts sunlight into useable light within a building, tunnel, or other enclosed structure, replacing artificial light generated by a light fixture and doing so without the conversion of the sunlight into another form of energy; and

(2) the term ''light pipe'' means a device designed to transport visible solar radiation from its collection point to the interior of a building while excluding interior heat gain in the nonheating season.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $3,500,000 for each of the fiscal years 2008 through 2012.

SEC. 4307. SOLAR AIR CONDITIONING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a research, development, and demonstration program to promote less costly and more reliable decentralized distributed solar-powered air conditioning for individuals and businesses.

(b) AUTHORIZED ACTIVITIES.—Grants made available under this section may be used to support the following activities:

(1) Advancing solar thermal collectors, including concentrating solar thermal and electric systems, flat plate and evacuated tube collector performance.

(2) Achieving technical and economic integration of solar-powered distributed air-conditioning systems with existing hot water and storage systems for residential applications.

(3) Designing and demonstrating mass manufacturing capability to reduce costs of modular standardized solar-powered distributed air conditioning systems and components.

(4) Improving the efficiency of solar-powered distributed air-conditioning to increase the effectiveness of solar-powered absorption chillers, solar-driven compressors and condensors, and cost-effective precooling approaches.

(5) Researching and comparing performance of solar-powered distributed air conditioning systems in different regions of the country, including potential integration with other onsite systems, such as solar, biogas, geothermal heat pumps, and propane assist or combined propane fuel cells, with a goal to develop site-specific energy production and management systems that ease fuel and peak utility loading.

(c) COST SHARING.—The non-Federal share of research and development projects supported under this section shall be not less than 20 percent, and for demonstration projects shall be not less than 50 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SEC. 4308. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(b) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (f).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (f) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(3) FUNDING ALLOCATION.—Each State submitting a qualifying proposal shall receive funding under the program based on the proportion of United States population in the State according to the 2000 census. In each fiscal year, the portion of funds attributable under this paragraph to States that have not submitted qualifying proposals in the time and manner specified by the Secretary shall be distributed pro rata to the States that have submitted qualifying proposals in the specified time and manner.

(c) COMPETITION.—If more than $25,000,000 is available for the program under this section for any fiscal year, the Secretary shall allocate 75 percent of the total amount of funds available according to subsection (b)(3), and shall award the remaining 25 percent on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies.

(d) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(e) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (c), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(f) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photo-voltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(3) limit State administrative costs to no more than 10 percent of the grant;

(4) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (5);

(5) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years; and

(6) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application.

(g) UNEXPENDED FUNDS.—If a State fails to expend any funds received under subsection (b) or (c) within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(h) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the amount of funds that each State has not received because of a failure to submit a qualifying proposal, as described in subsection (b)(3);

(5) the results of the monitoring under subsection (f)(5); and

(6) the total amount of funds distributed, including a breakdown by State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $15,000,000 for fiscal year 2008;
(2) $30,000,000 for fiscal year 2009;
(3) $45,000,000 for fiscal year 2010;
(4) $60,000,000 for fiscal year 2011; and
(5) $70,000,000 for fiscal year 2012.

Subtitle E—Biofuels

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the ''Biofuels Research and Development Enhancement Act''.

SEC. 4402. BIOFUELS AND BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary of Energy (in this subtitle referred to as the ''Secretary''), in cooperation with the Secretary of Agriculture, shall establish a technology transfer center to make available information on research, development, and commercial application of technologies related to biofuels and biorefineries, including—

(1) biochemical and thermochemical conversion technologies capable of making fuels from lignocellulosic feedstocks;

(2) biotechnology processes capable of making biofuels with an emphasis on development of biorefinery technologies using enzyme-based processing systems;

(3) biogas collection and production technologies suitable for vehicular use;

(4) cost-effective reforming technologies that produce hydrogen fuel from biogas sources;

(5) biogas production from cellulosic and recycled organic waste sources and advancement of gaseous storage systems and advancement of gaseous storage systems; and

(6) other advanced processes and technologies that will enable the development of biofuels.

(b) ADMINISTRATION.—In administering this section, the Secretary shall ensure that the center shall—

(1) continually update information provided by the center;

(2) make information available on biotechnology processes; and

(3) make information and assistance provided by the center available for those involved in energy research, development, demonstration, and commercial application.

SEC. 4403. BIOFUELS AND ADVANCED BIOFUELS INFRASTRUCTURE.

Section 932 of the Energy Policy Act of 2005 (42 U.S.C. 16232) is amended by adding at the end the following new subsection:

''(f) BIOFUELS AND ADVANCED BIOFUELS INFRASTRUCTURE.—The Secretary, in consultation with the Secretary of Transportation and the Assistant Administrator for Research and Development of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration as it relates to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure. The program shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the following areas:

''(1) Corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks.

''(2) Dissolving of storage tank sediments.

''(3) Clogging of filters.

''(4) Contamination from water or other adulterants or pollutants.

''(5) Poor flow properties related to low temperatures.

''(6) Oxidative and thermal instability in long-term storage and use.

''(7) Microbial contamination.

''(8) Problems associated with electrical conductivity.

''(9) Such other areas as the Secretary considers appropriate.''.

SEC. 4404. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 2.5 percent the proportion of diesel fuel sold in the United States that is biodiesel (within the meaning of section 211(o) of the Clean Air Act).

(b) MATERIALS FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology shall make publicly available the physical property data and characterization of biodiesel, as is defined in subsection (a), in order to encourage the establishment of standards that will promote their utilization in the transportation and fuel delivery system.

SEC. 4405. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent of the transportation fuels sold in the United States fuel with biogas or a blend of biogas and natural gas.

SEC. 4406. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: '', including the establishment of at least 5 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 1 center shall be located in each of the 5 Petroleum Administration for Defense Districts, which shall be established for a period of 5 years, after which the grantee may reapply for selection on a competitive basis''.

SEC. 4407. GRANTS FOR BIOFUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of biofuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a); or

(B) be a consortium including at least 1 such institution of higher education, and industry, State agencies, Indian tribal agencies, National Laboratories, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 4408. BIOREFINERY ENERGY EFFICIENCY.

Section 932 of Energy Policy Act of 2005 (42 U.S.C. 16232), is amended by adding at the end the following new subsections:

''(g) BIOREFINERY ENERGY EFFICIENCY.—The Secretary shall establish a program of research, development, demonstration, and commercial application for increasing energy efficiency and reducing energy consumption in the operation of biorefinery facilities.

''(h) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application on technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.''.

SEC. 4409. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, shall conduct a study of the methods of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the environmental consequences of the ethanol blends described in subsection (a) on evaporative and exhaust emissions from on-road, off-road, and marine vehicle engines;

(3) an evaluation of the consequences of the ethanol blends described in subsection (a) on the operation, durability, and performance of on-road, off-road, and marine vehicle engines; and

(4) an evaluation of the life cycle impact of the use of the ethanol blends described in subsection (a) on carbon dioxide and greenhouse gas emissions.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 4410. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of whether optimizing flexible fueled vehicles to operate using E–85 fuel would increase the fuel efficiency of flexible fueled vehicles.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 4411. STUDY OF ENGINE DURABILITY AND PERFORMANCE ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on the performance and durability of engines and engine systems.

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

(1) an assessment of whether the use of biodiesel lessens the durability and performance of conventional diesel engines and engine systems; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including the following percentage concentrations of biodiesel:

(A) 5 percent biodiesel.
(B) 10 percent biodiesel.
(C) 20 percent biodiesel.
(D) 30 percent biodiesel.
(E) 100 percent biodiesel.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 4412. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

(a) Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (2) by striking ''and'';

(B) at the end of paragraph (3) by striking the period and inserting ''; and''; and

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

''(4) $963,000,000 for fiscal year 2010.''; and

(2) in subsection (c)—

(A) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000'';

(B) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''; and

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

''(4) $419,000,000 for fiscal year 2010, of which $150,000,00 shall be for section 932(d).''.

SEC. 4413. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended—

(1) in subsection (a)(1), by striking ''and computational biology'' and inserting ''computational biology, and environmental science''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''in sustainable production systems that reduce greenhouse gas emissions'' after ''hydrogen'';

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

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph:

''(4) develop cellulosic and other feedstocks that are less resource and land intensive and that promote sustainable use of resources, including soil, water, energy, forests, and land, and ensure protection of air, water, and soil quality; and''.

(b) TOOLS AND EVALUATION.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture, shall establish a research and development program to—

(1) improve and develop analytical tools to facilitate the analysis of life-cycle energy and greenhouse gas emissions, including emissions related to direct and indirect land use changes, attributable to all potential biofuel feedstocks and production processes; and

(2) promote the systematic evaluation of the impact of expanded biofuel production on the environment, including forestlands, and on the food supply for humans and animals.

(c) SMALL-SCALE PRODUCTION AND USE OF BIOFUELS.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a research and development program to facilitate small-scale production, local, and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.

SEC. 4414. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of methods of increasing the fuel efficiency of vehicles using biogas by optimizing natural gas vehicle systems that can operate on biogas, including the advancement of vehicle fuel systems and the combination of hybrid-electric and plug-in hybrid electric drive platforms with natural gas vehicle systems using biogas.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 4415. STANDARDS FOR BIOFUELS DISPENSERS.

In the absence of appropriate private sector standards adopted prior to the date of enactment of this Act, and consistent with the National Technology Transfer and Advancement Act of 1995, the Secretary of Energy, in consultation with the Director of the National Institute of Standards and Technology, shall develop standards for biofuel dispenser systems in order to promote broader biofuels adoption and utilization.

SEC. 4416. ALGAL BIOMASS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the research and development that is being conducted on the use of algae as a feedstock for the production of biofuels. The report shall identify continuing research and development challenges and any regulatory or other barriers found by the Secretary that hinder the use of this resource, as well as recommendations on how to encourage and further its development as a viable transportation fuel.

Subtitle F—Carbon Capture and Storage

SEC. 4501. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007''.

SEC. 4502. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

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

(1) in the section heading, by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and storage research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and storage technologies related to electric power generating systems'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

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

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) FUNDAMENTAL SCIENCE AND ENGINEERING RESEARCH AND DEVELOPMENT AND DEMONSTRATION SUPPORTING CARBON CAPTURE AND STORAGE TECHNOLOGIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store carbon dioxide, or to learn how to use carbon dioxide in products to lead to an overall reduction of carbon dioxide emissions.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities and the field testing of carbon sequestration and carbon use activities, including—

''(i) development of new or advanced technologies for the capture of carbon dioxide;

''(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of the compression of carbon dioxide required for the storage of carbon dioxide;

''(iii) modeling and simulation of geological sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies; and

''(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide.

''(2) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity;

''(vi) deep geologic systems containing basalt formations; and

''(vii) high altitude terrain oil and gas fields.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geological formations;

''(iii) to refine storage capacity estimated for particular geological formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

''(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide;

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy; and

''(viii) to support Environmental Protection Agency efforts, in consultation with other agencies, to develop a scientifically sound regulatory framework to enable commercial-scale sequestration operations while safeguarding human health and underground sources of drinking water.

''(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests, not including the FutureGen project, for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(C) SOURCE OF CARBON DIOXIDE FOR LARGE-SCALE SEQUESTRATION DEMONSTRATIONS.—In the process of any acquisition of carbon dioxide for sequestration demonstrations under subparagraph (A), the Secretary shall give preference to purchases of carbon dioxide from industrial and coal-fired electric generation facilities. To the extent feasible, the Secretary shall prefer test projects from industrial and coal-fired electric generation facilities that would facilitate the creation of an integrated system of capture, transportation and storage of carbon dioxide. Until coal-fired electric generation facilities, either new or existing, are operating with carbon dioxide capture technologies, other industrial sources of carbon dioxide should be pursued under this paragraph. The preference provided for under this subparagraph shall not delay the implementation of the large-scale sequestration tests under this paragraph.

''(D) DEFINITION.—For purposes of this paragraph, the term 'large-scale' means the injection of more than 1,000,000 metric tons of carbon dioxide annually, or a scale that demonstrably exceeds the necessary thresholds in key geologic transients to validate the ability continuously to inject quantities on the order of several million metric tons of industrial carbon dioxide annually for a large number of years.

''(4) LARGE-SCALE DEMONSTRATION OF CARBON DIOXIDE CAPTURE TECHNOLOGIES.—

''(A) IN GENERAL.—The Secretary shall carry out at least 3 and no more than 5 demonstrations, that include each of the technologies described in subparagraph (B), for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide, at least 2 of which are facilities that generate electric energy from fossil fuels. Candidate facilities for other demonstrations under this paragraph shall include facilities that refine petroleum, manufacture iron or steel, manufacture cement or cement clinker, manufacture commodity chemicals, and ethanol and fertilizer plants. Consideration may be given to capture of carbon dioxide from industrial facilities and electric generation carbon sources that are near suitable geological reservoirs and could continue sequestration. To ensure reduced carbon dioxide emissions, the Secretary shall take necessary actions to provide for the integration of the program under this paragraph with the long-term carbon dioxide sequestration demonstrations described in paragraph (3). These actions should not delay implementation of the large-scale sequestration tests authorized in paragraph (3).

''(B) TECHNOLOGIES.—The technologies referred to in subparagraph (A) are precombustion capture, post-combustion capture, and oxycombustion.

''(C) SCOPE OF AWARD.—An award under this paragraph shall be only for the portion of the project that carries out the large-scale capture (including purification and compression) of carbon dioxide, as well as the cost of transportation and injection of carbon dioxide.

''(5) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall—

''(A) give preference to proposals from partnerships among industrial, academic, and government entities; and

''(B) require recipients to provide assurances that all laborers and mechanics employed by contractors and subcontractors in the construction, repair, or alteration of new or existing facilities performed in order to carry out a demonstration or commercial application activity authorized under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and the Secretary of Labor shall, with respect to the labor standards in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 3145 of title 40, United States Code.

''(6) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b), except that the Federal share of a project under paragraph (4) shall not exceed 50 percent.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out this section, other than subsection (c)(3) and (4)—

''(A) $100,000,000 for fiscal year 2008;

''(B) $100,000,000 for fiscal year 2009;

''(C) $100,000,000 for fiscal year 2010; and

''(D) $100,000,000 for fiscal year 2011.

''(2) SEQUESTRATION.—There are authorized to be appropriated to the Secretary for carrying out subsection (c)(3)—

''(A) $140,000,000 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $140,000,000 for fiscal year 2010; and

''(D) $140,000,000 for fiscal year 2011.

''(3) CARBON CAPTURE.—There are authorized to be appropriated to the Secretary for carrying out subsection (c)(4)—

''(A) $180,000,000 for fiscal year 2009;

''(B) $180,000,000 for fiscal year 2010;

''(C) $180,000,000 for fiscal year 2011; and

''(D) $180,000,000 for fiscal year 2012.''.

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 963 in the table of contents for the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 963. Carbon capture and storage research, development, and demonstration program.''.

SEC. 4503. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences for an independent review and oversight, beginning in 2011, of the programs under section 963(c)(3) and (4) of the Energy Policy Act of 2005, as added by section 4502 of this subtitle, to ensure that the benefits of such programs are maximized. Not later than January 1, 2012, the Secretary shall transmit to the Congress a report on the results of such review and oversight.

SEC. 4504. SAFETY RESEARCH.

(a) PROGRAM.—The Assistant Administrator for Research and Development of the Environmental Protection Agency shall conduct a research program to determine procedures necessary to protect public health, safety, and the environment from impacts that may be associated with capture, injection, and sequestration of greenhouse gases in subterranean reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 4505. GEOLOGICAL SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences to undertake a study that—

(A) defines an interdisciplinary program in geology, engineering, hydrology, environmental science, and related disciplines that will support the Nation's capability to capture and sequester carbon dioxide from anthropogenic sources;

(B) addresses undergraduate and graduate education, especially to help develop graduate level programs of research and instruction that lead to advanced degrees with emphasis on geological sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that wish to implement geological sequestration science programs that advance the Nation's capacity to address carbon management through geological sequestration science; and

(D) outlines a budget and recommendations for how much funding will be necessary to establish and carry out the grant program under subsection (b).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a copy of the results of the study provided by the National Academy of Sciences under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $1,000,000 for fiscal year 2008.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Energy, through the National Energy Technology Laboratory, shall establish a competitive grant program through which colleges and universities may apply for and receive 4-year grants for—

(A) salary and startup costs for newly designated faculty positions in an integrated geological carbon sequestration science program; and

(B) internships for graduate students in geological sequestration science.

(2) RENEWAL.—Grants under this subsection shall be renewable for up to 2 additional 3-year terms, based on performance criteria, established by the National Academy of Sciences study conducted under subsection (a), that include the number of graduates of such programs.

(3) INTERFACE WITH REGIONAL GEOLOGICAL CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geological carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department of Energy to provide internships and practical training in carbon capture and geological sequestration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection such sums as may be necessary.

SEC. 4506. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with other appropriate agencies, shall establish a university based research and development program to study carbon capture and sequestration using the various types of coal.

(b) GRANTS.—Under this section, the Secretary shall award 5 grants for projects submitted by colleges or universities to study carbon capture and sequestration in conjunction with the recovery of oil and other enhanced elemental and mineral recovery. Consideration shall be given to areas that have regional sources of coal for the study of carbon capture and sequestration.

(c) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall designate that at least 2 of these grants shall be awarded to rural or agricultural based institutions that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration in conjunction with the recovery of oil and other enhanced elemental and mineral recovery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle G—Global Change Research

SEC. 4601. SHORT TITLE.

This subtitle may be cited as the ''Global Change Research and Data Management Act of 2007''.

PART 1—GLOBAL CHANGE RESEARCH

SEC. 4611. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Industrial, agricultural, and other human activities, coupled with an expanding world population, are contributing to processes of global change that are significantly altering the Earth habitat.

(2) Such human-induced changes, in conjunction with natural fluctuations, may lead to significant alterations of world climate patterns. Over the next century, these changes could adversely affect world agricultural and marine production, coastal habitability, biological diversity, human health, global social and political stability, and global economic activity.

(3) Developments in interdisciplinary Earth sciences, global observing systems, and satellite and computing technologies make possible significant scientific understanding of global changes and their effects, and have resulted in the significant expansion of environmental data and information.

(4) Development of effective policies to prevent, mitigate, and adapt to global change will rely on improvement in scientific understanding of global environmental processes and on development of information that is of use to decisionmakers at the local, regional, and national levels.

(5) Although the United States Global Change Research Program has made significant contributions to understanding Earth's climate and the anthropogenic influences on Earth's climate and its ecosystems, the Program now needs to produce more information to meet the expressed needs of decisionmakers.

(6) Predictions of future climate conditions for specific regions have considerable uncertainty and are unlikely to be confirmed in a time period necessary to inform decisions on land, water, and resource management. However, improved understanding of global change should be used to assist decisionmakers in the development of policies to ensure that ecological, social, and economic systems are resilient under a variety of plausible climate futures.

(7) In order to most effectively meet the needs of decisionmakers, both the research agenda of the United States Global Change Research Program and its implementation must be informed by continuous feedback from documented users of information generated by the Program.

(b) PURPOSE.—The purpose of this part is to provide for the continuation and coordination of a comprehensive and integrated United States observation, research, and outreach program which will assist the Nation and the world to understand, assess, predict, and respond to the effects of human-induced and natural processes of global change.

SEC. 4612. DEFINITIONS.

For purposes of this part—

(1) the term ''global change'' means human-induced or natural changes in the global environment (including alterations in climate, land productivity, oceans or other water resources, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of the Earth to sustain life;

(2) the term ''global change research'' means study, monitoring, assessment, prediction, and information management activities to describe and understand—

(A) the interactive physical, chemical, and biological processes that regulate the total Earth system;

(B) the unique environment that the Earth provides for life;

(C) changes that are occurring in the Earth system; and

(D) the manner in which such system, environment, and changes are influenced by human actions;

(3) the term ''interagency committee'' means the interagency committee established under section 4613;

(4) the term ''Plan'' means the National Global Change Research and Assessment Plan developed under section 4615;

(5) the term ''Program'' means the United States Global Change Research Program established under section 4614; and

(6) the term ''regional climate change'' means the natural or human-induced changes manifested in the local or regional environment (including alterations in weather patterns, land productivity, water resources, sea level rise, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of a specific region to support current or future social and economic activity or natural ecosystems.

SEC. 4613. INTERAGENCY COOPERATION AND COORDINATION.

(a) ESTABLISHMENT.—The President shall establish or designate an interagency committee to ensure cooperation and coordination of all Federal research activities pertaining to processes of global change for the purpose of increasing the overall effectiveness and productivity of Federal global change research efforts. The interagency committee shall include representatives of both agencies conducting global change research and agencies with authority over resources likely to be affected by global change.

(b) FUNCTIONS OF THE INTERAGENCY COMMITTEE.—The interagency committee shall—

(1) serve as the forum for developing the Plan and for overseeing its implementation;

(2) serve as the forum for developing the vulnerability assessment under section 4617;

(3) ensure cooperation among Federal agencies with respect to global change research activities;

(4) work with academic, State, industry, and other groups conducting global change research, to provide for periodic public and peer review of the Program;

(5) cooperate with the Secretary of State in—

(A) providing representation at international meetings and conferences on global change research in which the United States participates; and

(B) coordinating the Federal activities of the United States with programs of other nations and with international global change research activities;

(6) work with appropriate Federal, State, regional, and local authorities to ensure that the Program is designed to produce information needed to develop policies to reduce the vulnerability of the United States and other regions to global change;

(7) facilitate ongoing dialog and information exchange with regional, State, and local governments and other user communities; and

(8) identify additional decisionmaking groups that may use information generated through the Program.

SEC. 4614. UNITED STATES GLOBAL CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The President shall establish an interagency United States Global Change Research Program to improve understanding of global change, to respond to the information needs of communities and decisionmakers, and to provide periodic assessments of the vulnerability of the United States and other regions to global and regional climate change. The Program shall be implemented in accordance with the Plan.

(b) LEAD AGENCY.—The lead agency for the United States Global Change Research Program shall be the Office of Science and Technology Policy.

(c) INTERAGENCY PROGRAM ACTIVITIES.—The Director of the Office of Science and Technology Policy, in consultation with the interagency committee, shall identify activities included in the Plan that involve participation by 2 or more agencies in the Program, and that do not fall within the current fiscal year budget allocations of those participating agencies, to fulfill the requirements of this subtitle. The Director of the Office of Science and Technology Policy shall allocate funds to the agencies to conduct the identified interagency activities. Such activities may include—

(1) development of scenarios for climate, land-cover change, population growth, and socioeconomic development;

(2) calibration and testing of alternative regional and global climate models;

(3) identification of economic sectors and regional climatic zones; and

(4) convening regional workshops to facilitate information exchange and involvement of regional, State, and local decisionmakers, non-Federal experts, and other stakeholder groups in the activities of the Program.

(d) WORKSHOPS.—The Director shall ensure that at least one workshop is held per year in each region identified by the Plan under section 4615(b)(11) to facilitate information exchange and outreach to regional, State, and local stakeholders as required by this subtitle.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Science and Technology Policy for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2013.

SEC. 4615. NATIONAL GLOBAL CHANGE RESEARCH AND ASSESSMENT PLAN.

(a) IN GENERAL.—The President shall develop a National Global Change Research and Assessment Plan for implementation of the Program. The Plan shall contain recommendations for global change research and assessment. The President shall submit an outline for the development of the Plan to the Congress within 1 year after the date of enactment of this Act, and shall submit a completed Plan to the Congress within 3 years after the date of enactment of this Act. Revised Plans shall be submitted to the Congress at least once every 5 years thereafter. In the development of each Plan, the President shall conduct a formal assessment process under this section to determine the needs of appropriate Federal, State, regional, and local authorities and other interested parties regarding the types of information needed by them in developing policies to

reduce society's vulnerability to global change and shall utilize these assessments, including the reviews by the National Academy of Sciences and the National Governors Association under subsections (e) and (f), in developing the Plan.

(b) CONTENTS OF THE PLAN.—The Plan shall—

(1) establish, for the 10-year period beginning in the year the Plan is submitted, the goals and priorities for Federal global change research which most effectively advance scientific understanding of global change and provide information of use to Federal, State, regional, and local authorities in the development of policies relating to global change;

(2) describe specific activities, including efforts to determine user information needs, research activities, data collection, database development, and data analysis requirements, development of regional scenarios, assessment of model predictability, assessment of climate change impacts, participation in international research efforts, and information management, required to achieve such goals and priorities;

(3) identify relevant programs and activities of the Federal agencies that contribute to the Program directly and indirectly;

(4) set forth the role of each Federal agency in implementing the Plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the global change research and assessment activities of the United States with such activities of other nations and international organizations, including—

(A) a description of the extent and nature of international cooperative activities;

(B) bilateral and multilateral efforts to provide worldwide access to scientific data and information; and

(C) improving participation by developing nations in international global change research and environmental data collection;

(7) detail budget requirements for Federal global change research and assessment activities to be conducted under the Plan;

(8) catalog the type of information identified by appropriate Federal, State, regional, and local decisionmakers needed to develop policies to reduce society's vulnerability to global change and indicate how the planned research will meet these decisionmakers' information needs;

(9) identify the observing systems currently employed in collecting data relevant to global and regional climate change research and prioritize additional observation systems that may be needed to ensure adequate data collection and monitoring of global change;

(10) describe specific activities designed to facilitate outreach and data and information exchange with regional, State, and local governments and other user communities; and

(11) identify and describe regions of the United States that are likely to experience similar impacts of global change or are likely to share similar vulnerabilities to global change.

(c) RESEARCH ELEMENTS.—The Plan shall include at a minimum the following research elements:

(1) Global measurements, establishing worldwide to regional scale observations prioritized to understand global change and to meet the information needs of decisionmakers on all relevant spatial and time scales.

(2) Information on economic, demographic, and technological trends that contribute to changes in the Earth system and that influence society's vulnerability to global and regional climate change.

(3) Development of indicators and baseline databases to document global change, including changes in species distribution and behavior, extent of glaciations, and changes in sea level.

(4) Studies of historical changes in the Earth system, using evidence from the geological and fossil record.

(5) Assessments of predictability using quantitative models of the Earth system to simulate global and regional environmental processes and trends.

(6) Focused research initiatives to understand the nature of and interaction among physical, chemical, biological, land use, and social processes related to global and regional climate change.

(7) Focused research initiatives to determine and then meet the information needs of appropriate Federal, State, and regional decisionmakers.

(d) INFORMATION MANAGEMENT.—The Plan shall incorporate, to the extent practicable, the recommendations relating to data acquisition, management, integration, and archiving made by the interagency climate and other global change data management working group established under section 4633.

(e) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The President shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) evaluate the scientific content of the Plan; and

(2) recommend priorities for future global and regional climate change research and assessment.

(f) NATIONAL GOVERNORS ASSOCIATION EVALUATION.—The President shall enter into an agreement with the National Governors Association Center for Best Practices under which that Center shall—

(1) evaluate the utility to State, local, and regional decisionmakers of each Plan and of the anticipated and actual information outputs of the Program for development of State, local, and regional policies to reduce vulnerability to global change; and

(2) recommend priorities for future global and regional climate change research and assessment.

(g) PUBLIC PARTICIPATION.—In developing the Plan, the President shall consult with representatives of academic, State, industry, and environmental groups. Not later than 90 days before the President submits the Plan, or any revision thereof, to the Congress, a summary of the proposed Plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 4616. BUDGET COORDINATION.

(a) IN GENERAL.—The President shall provide general guidance to each Federal agency participating in the Program with respect to the preparation of requests for appropriations for activities related to the Program.

(b) CONSIDERATION IN PRESIDENT'S BUDGET.—The President shall submit, at the time of his annual budget request to Congress, a description of those items in each agency's annual budget which are elements of the Program.

SEC. 4617. VULNERABILITY ASSESSMENT.

(a) REQUIREMENT.—Within 1 year after the date of enactment of this Act, and at least once every 5 years thereafter, the President shall submit to the Congress an assessment which—

(1) integrates, evaluates, and interprets the findings of the Program and discusses the scientific uncertainties associated with such findings;

(2) analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years;

(3) based on indicators and baselines developed under section 4615(c)(3), as well as other measurements, analyzes changes to the natural environment, land and water resources, and biological diversity in—

(A) major geographic regions of the United States; and

(B) other continents;

(4) analyzes the effects of global change, including the changes described in paragraph (3), on food and fiber production, energy production and use, transportation, human health and welfare, water availability and coastal infrastructure, and human social and economic systems, including providing information about the differential impacts on specific geographic regions within the United States, on people of different income levels within those regions, and for rural and urban areas within those regions; and

(5) summarizes the vulnerability of different geographic regions of the world to global change and analyzes the implications of global change for the United States, including international assistance, population displacement, food and resource availability, and national security.

(b) USE OF RELATED REPORTS.—To the extent appropriate, the assessment produced pursuant to this section may coordinate with, consider, incorporate, or otherwise make use of related reports, assessments, or information produced by the United States Global Change Research Program, regional, State, and local entities, and international organizations, including the World Meteorological Organization and the Intergovernmental Panel on Climate Change.

SEC. 4618. POLICY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, and at least once every 4 years thereafter, the President shall enter into a joint agreement with the National Academy of Public Administration and the National Academy of Sciences under which the Academies shall—

(1) document current policy options being implemented by Federal, State, and local governments to mitigate or adapt to the effects of global and regional climate change;

(2) evaluate the realized and anticipated effectiveness of those current policy options in meeting mitigation and adaptation goals;

(3) identify and evaluate a range of additional policy options and infrastructure for mitigating or adapting to the effects of global and regional climate change;

(4) analyze the adoption rates of policies and technologies available to reduce the vulnerability of society to global change with an evaluation of the market and policy obstacles to their adoption in the United States; and

(5) evaluate the distribution of economic costs and benefits of these policy options across different United States economic sectors.

SEC. 4619. ANNUAL REPORT.

Each year at the time of submission to the Congress of the President's budget request, the President shall submit to the Congress a report on the activities conducted pursuant to this part, including—

(1) a description of the activities of the Program during the past fiscal year;

(2) a description of the activities planned in the next fiscal year toward achieving the goals of the Plan; and

(3) a description of the groups or categories of State, local, and regional decisionmakers identified as potential users of the information generated through the Program and a description of the activities used to facilitate consultations with and outreach to these groups, coordinated through the work of the interagency committee.

SEC. 4620. RELATION TO OTHER AUTHORITIES.

The President shall—

(1) ensure that relevant research, assessment, and outreach activities of the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global and regional climate change research and assessment efforts; and

(2) facilitate ongoing dialog and information exchange with regional, State, and local governments and other user communities through programs authorized in the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 4621. REPEAL.

The Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.) is repealed.

SEC. 4622. GLOBAL CHANGE RESEARCH INFORMATION.

The President shall establish or designate a Global Change Research Information Exchange to make scientific research and other information produced through or utilized by the Program which would be useful in preventing, mitigating, or adapting to the effects of global change accessible through electronic means.

SEC. 4623. ICE SHEET STUDY AND REPORT.

(a) STUDY.—

(1) REQUIREMENT.—The Director of the National Science Foundation and the Administrator of National Oceanic and Atmospheric Administration shall enter into an arrangement with the National Academy of Sciences to complete a study of the current status of ice sheet melt, as caused by climate change, with implications for global sea level rise.

(2) CONTENTS.—The study shall take into consideration—

(A) the past research completed related to ice sheet melt as reviewed by Working Group I of the Intergovernmental Panel on Climate Change;

(B) additional research completed since the fall of 2005 that was not included in the Working Group I report due to time constraints; and

(C) the need for an accurate assessment of changes in ice sheet spreading, changes in ice sheet flow, self-lubrication, the corresponding effect on ice sheets, and current modeling capabilities.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the key findings of the study conducted under subsection (a), along with recommendations for additional research related to ice sheet melt and corresponding sea level rise.

SEC. 4624. HURRICANE FREQUENCY AND INTENSITY STUDY AND REPORT.

(a) STUDY.—

(1) REQUIREMENT.—The Administrator of the National Oceanic and Atmospheric Administration and the Director of the National Science Foundation shall enter into an arrangement with the National Academy of Sciences to complete a study of the current state of the science on the potential impacts of climate change on patterns of hurricane and typhoon development, including storm intensity, track, and frequency, and the implications for hurricane-prone and typhoon-prone coastal regions.

(2) CONTENTS.—The study shall take into consideration—

(A) the past research completed related to hurricane and typhoon development, track, and intensity as reviewed by Working Groups I and II of the Intergovernmental Panel on Climate Change;

(B) additional research completed since the fall of 2005 that was not included in the Working Group I and II reports due to time constraints;

(C) the need for accurate assessment of potential changes in hurricane and typhoon intensity, track, and frequency and of the current modeling and forecasting capabilities and the need for improvements in forecasting of these parameters; and

(D) the need for additional research and monitoring to improve forecasting of hurricanes and typhoons and to understand the relationship between climate change and hurricane and typhoon development.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the key findings of the study conducted under subsection (a).

PART 2—CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT

SEC. 4631. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Federal agencies have a primary mission to manage and archive climate and other global change data obtained through their research, development, or operational activities.

(2) Maintenance of climate and global change data records is essential to present and future studies of the Earth's atmosphere, biogeochemical cycles, and climate.

(3) Federal capabilities for the management and archiving of these data have not kept pace with advances in satellite and other observational technologies that have vastly expanded the type and amount of information that can be collected.

(4) Proposals and plans for expansion of global observing networks should include plans for the management of data to be collected and budgets reflecting the cost of support for management and archiving of data.

(b) PURPOSES.—The purposes of this part are to establish climate and other global change data management and archiving as Federal agency missions, and to establish Federal policies for managing and archiving climate and other global change data.

SEC. 4632. DEFINITIONS.

For purposes of this part—

(1) the term ''metadata'' means information describing the content, quality, condition, and other characteristics of climate and other global change data, compiled, to the maximum extent possible, consistent with the requirements of the ''Content Standard for Digital Geospatial Metadata'' (FGDC–STD–001–1998) issued by the Federal Geographic Data Committee, or any successor standard approved by the working group; and

(2) the term ''working group'' means the interagency climate and other global change data management working group established under section 4633.

SEC. 4633. INTERAGENCY CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT WORKING GROUP.

(a) ESTABLISHMENT.—The President shall establish or designate an interagency climate and other global change data management working group to make recommendations for coordinating Federal climate and other global change data management and archiving activities.

(b) MEMBERSHIP.—The working group shall include the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Director of the United States Geological Survey, the Archivist of the United States, the Administrator of the Environmental Protection Agency, the Secretary of the Smithsonian Institution, or their designees, and representatives of any other Federal agencies the President considers appropriate.

(c) REPORTS.—Not later than 1 year after the date of enactment of this Act, the working group shall transmit a report to the Congress containing the elements described in subsection (d). Not later than 4 years after the initial report under this subsection, and at least once every 4 years thereafter, the working group shall transmit reports updating the previous report. In preparing reports under this subsection, the working group shall consult with expected users of the data collected and archived by the Program.

(d) CONTENTS.—The reports and updates required under subsection (c) shall—

(1) include recommendations for the establishment, maintenance, and accessibility of a catalog identifying all available climate and other global change data sets;

(2) identify climate and other global change data collections in danger of being lost and recommend actions to prevent such loss;

(3) identify gaps in climate and other global change data and recommend actions to fill those gaps;

(4) identify effective and compatible procedures for climate and other global change data collection, management, and retention and make recommendations for ensuring their use by Federal agencies and other appropriate entities;

(5) develop and propose a coordinated strategy for funding and allocating responsibilities among Federal agencies for climate and other global change data collection, management, and retention;

(6) make recommendations for ensuring that particular attention is paid to the collection, management, and archiving of metadata;

(7) make recommendations for ensuring a unified and coordinated Federal capital investment strategy with respect to climate and other global change data collection, management, and archiving;

(8) evaluate the data record from each observing system and make recommendations to ensure that delivered data are free from time-dependent biases and random errors before they are transferred to long-term archives; and

(9) evaluate optimal design of observation system components to ensure a cost-effective, adequate set of observations detecting and tracking global change.

Subtitle H—H-PRIZE

SEC. 4701. H-PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following new subsection:

''(f) H-PRIZE.—

''(1) PRIZE AUTHORITY.—

''(A) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to competitively award cash prizes in conformity with this subsection to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

''(B) ADVERTISING AND SOLICITATION OF COMPETITORS.—

''(i) ADVERTISING.—The Secretary shall widely advertise prize competitions under this subsection to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by

socially and economically disadvantaged persons).

''(ii) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this subsection by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

''(C) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions under this subsection, subject to the provisions of this subsection (in this subsection referred to as the 'administering entity'). The duties of the administering entity under the agreement shall include—

''(i) advertising prize competitions under this subsection and their results;

''(ii) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this subsection;

''(iii) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions under this subsection, based on goals provided by the Secretary;

''(iv) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded under this subsection, subject to the final approval of the Secretary with respect to Federal funding;

''(v) providing advice and consultation to the Secretary on the selection of judges in accordance with paragraph (2)(D), using criteria developed in consultation with and subject to the final approval of the Secretary; and

''(vi) protecting against the administering entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subsection may be withheld from public disclosure.

''(D) FUNDING SOURCES.—Prizes under this subsection shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subparagraph (C)(ii)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program under this subsection. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

''(E) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subparagraph (B)(ii) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subparagraph (B)(ii) if—

''(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

''(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

''(F) SUNSET.—The authority to announce prize competitions under this subsection shall terminate on September 30, 2018.

''(2) PRIZE CATEGORIES.—

''(A) CATEGORIES.—The Secretary shall establish prizes under this subsection for—

''(i) advancements in technologies, components, or systems related to—

''(I) hydrogen production;

''(II) hydrogen storage;

''(III) hydrogen distribution; and

''(IV) hydrogen utilization;

''(ii) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

''(iii) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

''(B) AWARDS.—

''(i) ADVANCEMENTS.—To the extent permitted under paragraph (1)(E), the prizes authorized under subparagraph (A)(i) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subclauses (I) through (IV) of subparagraph (A)(i) since the submission deadline of the previous prize competition in the same category under subparagraph (A)(i) or the date of enactment of this subsection, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subparagraph (A)(i), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

''(ii) PROTOTYPES.—To the extent permitted under paragraph (1)(E), prizes authorized under subparagraph (A)(ii) shall be awarded biennially in alternate years from the prizes authorized under subparagraph (A)(i). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subparagraph (C) for a competition under this clause, the Secretary shall not award a prize.

''(iii) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under paragraph (1)(E), the Secretary shall announce one prize competition authorized under subparagraph (A)(iii) as soon after the date of enactment of this subsection as is practicable. A prize offered under this clause shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by paragraph (1)(B)(ii). The Secretary shall award a prize under this clause only when a registered participant has met the objective criteria established for the prize pursuant to subparagraph (C) and announced pursuant to paragraph (1)(B)(ii). Not more than $10,000,000 in Federal funds may be used for the prize award under this clause. The administering entity shall seek to raise $40,000,000 toward the matching award under this clause.

''(C) CRITERIA.—In establishing the criteria required by this subsection, the Secretary—

''(i) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

''(ii) shall consult with other Federal agencies, including the National Science Foundation; and

''(iii) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

''(D) JUDGES.—For each prize competition under this subsection, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subparagraph (C). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

''(i) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

''(ii) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

''(3) ELIGIBILITY.—To be eligible to win a prize under this subsection, an individual or entity—

''(A) shall have complied with all the requirements in accordance with the Federal Register notice required under paragraph (1)(B)(ii);

''(B) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

''(C) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

''(4) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this subsection, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subsection. This paragraph shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subsection.

''(5) LIABILITY.—

''(A) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subsection. The Secretary shall give notice of any waiver required under this subparagraph in the notice required by paragraph (1)(B)(ii). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

''(B) LIABILITY INSURANCE.—

''(i) REQUIREMENTS.—Registered participants in a prize competition under this subsection shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

''(I) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subsection; and

''(II) the Federal Government for damage or loss to Government property resulting from such an activity.

''(ii) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under clause (i)(I), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this subsection.

''(6) REPORT TO CONGRESS.—Not later than 60 days after the awarding of the first prize under this subsection, and annually thereafter, the Secretary shall transmit to the Congress a report that—

''(A) identifies each award recipient;

''(B) describes the technologies developed by each award recipient; and

''(C) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—

''(i) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subsection—

''(I) $20,000,000 for awards described in paragraph (2)(A)(i);

''(II) $20,000,000 for awards described in paragraph (2)(A)(ii); and

''(III) $10,000,000 for the award described in paragraph (2)(A)(iii).

''(ii) ADMINISTRATION.—In addition to the amounts authorized in clause (i), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subsection.

''(B) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subsection shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

''(8) NONSUBSTITUTION.—The programs created under this subsection shall not be considered a substitute for Federal research and development programs.''.

TITLE V—AGRICULTURE ENERGY

SEC. 5001. TABLE OF CONTENTS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by inserting before section 9001 the following new section:

''SEC. 9000. TABLE OF CONTENTS.

''The table of contents of this title is as follows:

''TITLE IX—ENERGY

''Sec. 9000. Table of contents.
''Sec. 9001. Definitions.
''Sec. 9002. Federal procurement of biobased products.
''Sec. 9003. Biorefinery development grants; loan guarantees for biorefineries and biofuel production plants.
''Sec. 9004. Biodiesel fuel education program.
''Sec. 9005. Energy audit and renewable energy development program.
''Sec. 9006. Rural energy for America program.
''Sec. 9007. Hydrogen and fuel cell technologies.
''Sec. 9008. Biomass Research and Development Act of 2000.
''Sec. 9009. Cooperative research and extension projects.
''Sec. 9010. Continuation of bioenergy program.
''Sec. 9011. Research, extension, and educational programs on biobased energy technologies and products.
''Sec. 9012. Energy Council of the Department of Agriculture.
''Sec. 9013. Forest bioenergy research program.''.

SEC. 5002. FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.

Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) in subsection (c)(1), by inserting '', composed of at least five percent of intermediate ingredients and feedstocks (such as biopolymers, methyl soyate, and soy polyols) as designated by the Secretary,'' after ''highest percentage of biobased products practicable'';

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

''(2) ELIGIBILITY CRITERIA.—

''(A) IN GENERAL.—Not later than 90 days after the date of the enactment of the New Direction for Energy Independence, National Security, and Consumer Protection Act, the Secretary, in consultation with other Federal departments and agencies and with nongovernmental groups with an interest in biobased products, including small and large producers of biobased materials and products, industry, trade organizations, academia, consumer organizations, and environmental organizations, shall issue criteria for determining which products may qualify to receive the label under paragraph (1). The criteria shall encourage the purchase of products with the maximum biobased content, and should, to the maximum extent possible, be consistent with the guidelines issued under subsection (e).

''(B) INTERMEDIATE INGREDIENTS.—The criteria issued under subparagraph (A) shall provide that the Secretary may designate intermediate ingredients and feedstocks (such as biopolymers, methyl soyate, and soy polyols) as biobased for the purposes of the voluntary program established under this subsection.''; and

(3) by striking subsection (k)(2)(A) and inserting the following:

''(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $2,000,000 for each of fiscal years 2008 through 2012 for bio-product testing and support ongoing operations of the Designation Program, the Voluntary Labeling Program, procurement program models, procurement research, promotion, education, and awareness of the BioPreferred Program.''.

SEC. 5003. LOAN GUARANTEES FOR BIOREFINERIES AND BIOFUEL PRODUCTION PLANTS.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(1) in the section heading, by inserting ''; **LOAN GUARANTEES FOR BIOREFINERIES AND BIOFUEL PRODUCTION PLANTS**'' after ''**GRANTS**'';

(2) in subsection (b)(2)(A), by striking ''and'' the 1st place it appears and inserting ''or'';

(3) in subsection (c), by redesignating subsection (h) as subsection (j) and subsections (d) through (g) as subsections (e) through (h), respectively, and inserting after subsection (c) the following:

''(d) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make loan guarantees to eligible entities to assist in paying the cost of development and construction of biorefineries and biofuel production plants (including retrofitting) to carry out projects to demonstrate the commercial viability of 1 or more processes for converting biomass to fuels or chemicals.

''(2) LIMITATIONS.—

''(A) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—A loan guarantee under paragraph (1) shall be for not more than 90 percent of the principal and interest due on the loan.

''(B) TOTAL AMOUNTS GUARANTEED.—The total amount of principal and interest guaranteed under paragraph (1) shall not exceed—

''(i) $600,000,000, in the case of loans valued at not more than $100,000,000; or

''(ii) $1,000,000,000, in the case of loans valued at more than $100,000,000 but not more than $250,000,000.

''(C) MAXIMUM TERM OF LOAN GUARANTEED.—The Secretary shall determine the maximum term of a loan guarantee provided under paragraph (1).'';

(4) in subsection (f) (as so redesignated)—

(A) in paragraph (1), by inserting ''and loan guarantees under subsection (d)'' after ''(c)'';

(B) in paragraph (2)(A), by inserting ''or loan guarantees under subsection (d)'' after ''(c)'';

(C) in paragraph (2)(B)—

(i) by striking ''and'' at the end of clause (viii);

(ii) by striking the period at the end of clause (ix) and inserting ''; and''; and

(iii) by adding at the end the following:

''(x) The level of local ownership.''; and

(D) by adding at the end the following:

''(3) PRIORITY IN AWARDING LOAN GUARANTEES.—In selecting projects to receive loan guarantees under subsection (d), the Secretary shall give priority to projects based on the criteria set forth in paragraph (2)(B) of this subsection.'';

(5) by inserting after subsection (h) the following new subsection:

''(i) CONDITION OF PROVISION OF ASSISTANCE.—As a condition of receiving a grant or loan guarantee under this section, the eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with section 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F. R. 3176; 64 Stat. 1267) and section 3145 of such title.'';

(6) in subsection (j) (as so redesignated), by striking ''2007'' and inserting ''2012''; and

(7) by adding at the end the following new subsections:

''(k) ADDITIONAL FUNDING FOR LOAN GUARANTEES.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(1) $50,000,000 for fiscal year 2008;

''(2) $65,000,000 for fiscal year 2009;

''(3) $75,000,000 for fiscal year 2010;

''(4) $150,000,000 for fiscal year 2011; and

''(5) $250,000,000 for fiscal year 2012.

''(l) CONTINUATION OF OPERATIONS.—

''(1) FUNDING.—The Secretary shall continue to carry out this section at the rate of

operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

''(2) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.''.

SEC. 5004. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)) is amended to read as follows:

''(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 5005. ENERGY AUDIT AND RENEWABLE ENERGY DEVELOPMENT PROGRAM.

Section 9005(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) is amended by striking ''2007'' and inserting ''2012''.

SEC. 5006. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS.

Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 9006. RURAL ENERGY FOR AMERICA PROGRAM.'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', other agricultural producer'' after ''rancher'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) in paragraph (2), by striking the period and inserting ''; and''; and

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

''(3) produce and sell electricity generated by new renewable energy systems.'';

(3) in subsection (b), by inserting '', other agricultural producer'' after ''rancher'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''50 percent'' and inserting ''75 percent''; and

(ii) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B) LOAN GUARANTEES.—

''(i) MAXIMUM AMOUNT.—The amount of a loan guaranteed under this section shall not exceed $25,000,000.

''(ii) MAXIMUM PERCENTAGE.—A loan guaranteed under this section shall not exceed 75 percent of the cost of the activity funded under subsection (a).''; and

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

''(3) PRIORITIZATION.—The Secretary shall give the greatest priority for grants under subsection (a) to activities for which the least percentage of the total cost of such activities is requested by the farmer, rancher, other agricultural producer, or rural small business.''.

(5) by redesignating subsection (e) as subsection (g) and striking subsection (f);

(6) by inserting after subsection (d) the following new subsections:

''(e) FEASIBILITY STUDIES.—

''(1) IN GENERAL.—The Secretary may provide assistance to a farmer, rancher, other agricultural producer, or rural small business to conduct a feasibility study of a project for which assistance may be provided under this section.

''(2) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this section to provide assistance described in paragraph (1).

''(3) CRITERIA.—The Secretary shall issue regulations establishing criteria for the receipt of assistance under this subsection.

''(4) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An farmer, rancher, other agricultural producer, or rural small business that receives assistance to carry out a feasibility study for a project under this subsection shall not be eligible for assistance to carry out a feasibility study for the project under any other provision of law.

''(f) SMALL ACTIVITIES.—

''(1) LIMITATION ON USE OF FUNDS.—The Secretary shall use not less than 15 percent of the funds made available under subsection (h) to provide grants for activities that have a cost of $50,000 or less.

''(2) EXCEPTION.—Beginning on the first day of the third quarter of a fiscal year, the limitation on the use of funds under paragraph (1) shall not apply to funds made available under subsection (h) for such fiscal year.''; and

(7) by adding at the end the following new subsection:

''(h) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

''(A) $40,000,000 for fiscal year 2008;

''(B) $60,000,000 for fiscal year 2009;

''(C) $75,000,000 for fiscal year 2010;

''(D) $100,000,000 for fiscal year 2011; and

''(E) $150,000,000 for fiscal year 2012.

''(3) CONTINUATION OF OPERATIONS.—

''(A) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

''(B) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.''.

SEC. 5007. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) RESTATEMENT OF ACT.—Section 9008 of the Farm Security and Rural Investment Act of 2002 (116 Stat. 486) is amended to read as follows:

''SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

''(a) SHORT TITLE.—This section may be cited as the 'Biomass Research and Development Act of 2000'.

''(b) FINDINGS.—Congress finds that—

''(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through—

''(A) improved strategic security and balance of payments;

''(B) healthier rural economies;

''(C) improved environmental quality;

''(D) near-zero net greenhouse gas emissions;

''(E) technology export; and

''(F) sustainable resource supply;

''(2) the key technical challenges to be overcome in order for biobased industrial products to be cost-competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

''(3) biobased fuels have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near-zero net greenhouse gas emissions;

''(4) biobased chemicals have the clear potential for environmentally benign product life cycles;

''(5) biobased power can—

''(A) provide environmental benefits;

''(B) promote rural economic development; and

''(C) diversify energy resource options;

''(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

''(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

''(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

''(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

''(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

''(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

''(A) increasing the confidence and speed with which new technologies can be scaled up; and

''(B) giving rise to processing innovations based on new knowledge;

''(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

''(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

''(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

''(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

''(13) several prominent studies, including studies by the President's Committee of Advisors on Science and Technology and the National Research Council—

''(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

''(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

''(c) DEFINITIONS.—In this section:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by this section.

''(2) BIOBASED FUEL.—The term 'biobased fuel' means any transportation or heating fuel produced from biomass.

''(3) BIOBASED PRODUCT.—The term 'biobased product' means an industrial product (including chemicals, materials, and polymers) produced from biomass, or a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

''(4) BIOMASS.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood

wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

''(5) BOARD.—The term 'Board' means the Biomass Research and Development Board established by this section.

''(6) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility.

''(7) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under this section.

''(8) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

''(9) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 2 of the Energy Policy Act of 2005.

''(10) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under this section.

''(d) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased fuels and biobased products.

''(2) POINTS OF CONTACT.—

''(A) IN GENERAL.—To coordinate research and development programs and activities relating to biobased fuels and biobased products that are carried out by their respective Departments—

''(i) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

''(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

''(B) DUTIES.—The points of contact shall jointly—

''(i) assist in arranging interlaboratory and site-specific supplemental agreements for research and development projects relating to biobased fuels and biobased products;

''(ii) serve as cochairpersons of the Board;

''(iii) administer the Initiative; and

''(iv) respond in writing to each recommendation of the Advisory Committee made under subsection (f).

''(e) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board, which shall supersede the Interagency Council on Biobased Products and Bioenergy established by Executive Order No. 13134, to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased fuels and biobased products by—

''(A) maximizing the benefits deriving from Federal grants and assistance; and

''(B) bringing coherence to Federal strategic planning.

''(2) MEMBERSHIP.—The Board shall consist of—

''(A) the point of contact of the Department of Energy designated under subsection (d), who shall serve as cochairperson of the Board;

''(B) the point of contact of the Department of Agriculture designated under subsection (d), who shall serve as cochairperson of the Board;

''(C) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall—

''(i) be appointed by the head of the respective agency; and

''(ii) have a rank that is equivalent to the rank of the points of contact; and

''(D) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the members described in subparagraphs (A) through (C)).

''(3) DUTIES.—The Board shall—

''(A) coordinate research and development activities relating to biobased fuels and biobased products—

''(i) between the Department of Agriculture and the Department of Energy; and

''(ii) with other departments and agencies of the Federal Government;

''(B) provide recommendations to the points of contact concerning administration of this title;

''(C) ensure that—

''(i) solicitations are open and competitive with awards made annually; and

''(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

''(D) ensure that the panel of scientific and technical peers assembled under subsection (g) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

''(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

''(5) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under paragraph (3).

''(f) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee, which shall supersede the Advisory Committee on Biobased Products and Bioenergy established by Executive Order No. 13134—

''(A) to advise the Secretary of Energy, the Secretary of Agriculture, and the points of contact concerning—

''(i) the technical focus and direction of requests for proposals issued under the Initiative; and

''(ii) procedures for reviewing and evaluating the proposals;

''(B) to facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

''(C) to evaluate and perform strategic planning on program activities relating to the Initiative.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Advisory Committee shall consist of—

''(i) an individual affiliated with the biofuels industry;

''(ii) an individual affiliated with the biobased industrial and commercial products industry;

''(iii) an individual affiliated with an institution of higher education who has expertise in biobased fuels and biobased products;

''(iv) two prominent engineers or scientists from government or academia who have expertise in biobased fuels and biobased products;

''(v) an individual affiliated with a commodity trade association;

''(vi) 2 individuals affiliated with an environmental or conservation organization;

''(vii) an individual associated with State government who has expertise in biobased fuels and biobased products;

''(viii) an individual with expertise in energy and environmental analysis;

''(ix) an individual with expertise in the economics of biobased fuels and biobased products;

''(x) an individual with expertise in agricultural economics; and

''(xi) at the option of the points of contact, other members.

''(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

''(3) DUTIES.—The Advisory Committee shall—

''(A) advise the points of contact with respect to the Initiative; and

''(B) evaluate whether, and make recommendations in writing to the Board to ensure that—

''(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

''(ii) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

''(iii) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

''(iv) activities under this section are carried out in accordance with this section.

''(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

''(5) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee.

''(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years, except that—

''(A) one-third of the members initially appointed shall be appointed for a term of 1 year; and

''(B) one-third of the members initially appointed shall be appointed for a term of 2 years.

''(g) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on, and development and demonstration of, biobased fuels and biobased products, and the methods, practices and technologies, for their production.

''(2) OBJECTIVES.—The objectives of the Initiative are to develop—

''(A) technologies and processes necessary for abundant commercial production of biobased fuels at prices competitive with fossil fuels;

''(B) high-value biobased products—

''(i) to enhance the economic viability of biobased fuels and power; and

''(ii) as substitutes for petroleum-based feedstocks and products; and

''(C) a diversity of sustainable domestic sources of biomass for conversion to biobased fuels and biobased products.

''(3) PURPOSES.—The purposes of the Initiative are—

''(A) to increase the energy security of the United States;

''(B) to create jobs and enhance the economic development of the rural economy;

''(C) to enhance the environment and public health; and

''(D) to diversify markets for raw agricultural and forestry products.

''(4) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct research and development toward—

''(A) feedstock production through the development of crops and cropping systems relevant to production of raw materials for conversion to biobased fuels and biobased products, including—

''(i) development of advanced and dedicated crops with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

''(ii) advanced crop production methods to achieve the features described in clause (i);

''(iii) feedstock harvest, handling, transport, and storage; and

''(iv) strategies for integrating feedstock production into existing managed land;

''(B) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into biobased fuels and biobased products, including—

''(i) pretreatment in combination with enzymatic or microbial hydrolysis; and

''(ii) thermochemical approaches, including gasification and pyrolysis;

''(C) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

''(i) catalytic processing, including thermochemical fuel production;

''(ii) metabolic engineering, enzyme engineering, and fermentation systems for biological production of desired products or cogeneration of power;

''(iii) product recovery;

''(iv) power production technologies; and

''(v) integration into existing biomass processing facilities, including starch ethanol plants, sugar processing or refining plants, paper mills, and power plants; and

''(D) analysis that provides strategic guidance for the application of biomass technologies in accordance with realization of improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches.

''(5) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (4), and in addition to advancing the purposes described in paragraph (3) and the objectives described in paragraph (2), the Secretaries shall support research and development—

''(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices, such as the use of dried distillers grains as a bridge feedstock;

''(B) to maximize the environmental, economic, and social benefits of production of biobased fuels and biobased products on a large scale through life-cycle economic and environmental analysis and other means; and

''(C) to assess the potential of Federal land and land management programs as feedstock resources for biobased fuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

''(6) ELIGIBLE ENTITIES.—To be eligible for a grant, contract, or assistance under this subsection, an applicant shall be—

''(A) an institution of higher education;

''(B) a National Laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of two or more entities described in subparagraphs (A) through (F).

''(7) ADMINISTRATION.—

''(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

''(i) publish annually one or more joint requests for proposals for grants, contracts, and assistance under this subsection;

''(ii) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

''(iii) give some preference to applications that—

''(I) involve a consortia of experts from multiple institutions;

''(II) encourage the integration of disciplines and application of the best technical resources; and

''(III) increase the geographic diversity of demonstration projects.

''(B) DISTRIBUTION OF FUNDING BY TECHNICAL AREA.—Of the funds authorized to be appropriated for activities described in this subsection, funds shall be distributed for each of fiscal years 2007 through 2012 so as to achieve an approximate distribution of—

''(i) 20 percent of the funds to carry out activities for feedstock production under paragraph (4)(A);

''(ii) 45 percent of the funds to carry out activities for overcoming recalcitrance of cellulosic biomass under paragraph (4)(B);

''(iii) 30 percent of the funds to carry out activities for product diversification under paragraph (4)(C); and

''(iv) 5 percent of the funds to carry out activities for strategic guidance under paragraph (4)(D).

''(C) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in subparagraphs (A) through (C) of paragraph (4), funds shall be distributed for each of fiscal years 2007 through 2012 so as to achieve an approximate distribution of—

''(i) 15 percent of the funds for applied fundamentals;

''(ii) 35 percent of the funds for innovation; and

''(iii) 50 percent of the funds for demonstration.

''(D) MATCHING FUNDS.—

''(i) IN GENERAL.—A minimum 20 percent funding match shall be required for demonstration projects under this section.

''(ii) COMMERCIAL APPLICATIONS.—A minimum of 50 percent funding match shall be required for commercial application projects under this section.

''(E) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

''(h) ADMINISTRATIVE SUPPORT AND FUNDS.—

''(1) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under paragraph (2)(b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

''(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (e)(2)(C), and the other members appointed under subsection (e)(2)(D), may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

''(3) LIMITATION.—Not more than 4 percent of the amount appropriated for each fiscal year under subsection (g)(6) may be used to pay the administrative costs of carrying out this section.

''(i) REPORTS.—

''(1) ANNUAL REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

''(A) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that—

''(i) is consistent with the objectives, purposes, and additional considerations described in paragraphs (2) through (5) of subsection (g);

''(ii) uses the set of criteria established in the initial report submitted under title III of the Agricultural Risk Protection Act of 2000;

''(iii) achieves the distribution of funds described in subparagraphs (B) and (C) of subsection (g)(7); and

''(iv) takes into account any recommendations that have been made by the Advisory Committee;

''(B) the general status of cooperation and research and development efforts carried out at each agency with respect to biobased fuels and biobased products, including a report from the Advisory Committee on whether the points of contact are funding proposals that are selected under subsection (g)(3)(B)(iii); and

''(C) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

''(2) UPDATES.—The Secretary and the Secretary of Energy shall update the Vision and Roadmap documents prepared for Federal biomass research and development activities.

''(j) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

''(A) $18,000,000 for fiscal year 2008;

''(B) $28,000,000 for fiscal year 2009;

''(C) $40,000,000 for fiscal year 2010;

''(D) $50,000,000 for fiscal year 2011; and

''(E) $100,000,000 for fiscal year 2012.

''(2) CONTINUATION OF OPERATIONS.—

''(A) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

''(B) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.''.

SEC. 5008. ADJUSTMENTS TO THE BIOENERGY PROGRAM.

Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'';

(ii) in subparagraph (B), by striking the final period and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

''(C) production of heat and power at a biofuels plant;

''(D) biomass gasification;

''(E) hydrogen made from cellulosic commodities for fuel cells;

''(F) renewable diesel; and

''(G) such other items as the Secretary considers appropriate.'';

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

''(3) ELIGIBLE FEEDSTOCK.—

''(A) IN GENERAL.—The term 'eligible feedstock' means—

''(i) any plant material grown or collected for the purpose of being converted to energy (including aquatic plants);

''(ii) any organic byproduct or residue from agriculture and forestry, including mill residues and pulping residues that can be converted into energy;

''(iii) any waste material that can be converted to energy and is derived from plant material, including—

''(I) wood waste and residue;

''(II) specialty crop waste, including waste derived from orchard trees, vineyard crops, and nut crops; or

''(III) other fruit and vegetable byproducts or residues; or

''(iv) animal waste and byproducts.

''(B) EXCLUSION.—The term 'eligible feedstock' does not include corn starch.'';

(C) in paragraph (4), by striking ''an eligible commodity'' and inserting ''eligible feedstock''; and

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

''(5) RENEWABLE DIESEL.—The term 'renewable diesel' means any type of biobased renewable fuel derived from plant or animal matter that may be used as a substitute for standard diesel fuel and meets the requirements of an appropriate American Society for Testing and Material standard. Such term does not include any fuel derived from coprocessing an eligible feedstock with a feedstock that is not biomass.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''The Secretary shall continue'' and all that follows through ''the Secretary makes'' and inserting ''The Secretary shall make''; and

(ii) by striking ''eligible commodities'' and inserting ''eligible feedstock'';

(B) in paragraph (2)(B), by striking ''eligible commodities'' and inserting ''eligible feedstock'';

(C) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

''(B) PRIORITY.—In making payments under this paragraph, the Secretary shall give priority to contracts by considering the factors referred to in section 9003(e)(2)(B).''; and

(D) by striking paragraph (6) and inserting the following:

''(6) LIMITATION.—The Secretary may limit the amount of payments that may be received by an eligible producer under this section as the Secretary considers appropriate.''; and

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

''(c) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section—

''(A) $150,000,000 for fiscal year 2008;

''(B) $150,000,000 for fiscal year 2009;

''(C) $170,000,000 for fiscal year 2010;

''(D) $180,000,000 for fiscal year 2011; and

''(E) $286,000,000 for fiscal year 2012.

''(2) CONTINUATION OF OPERATIONS.—

''(A) FUNDING.—The Secretary shall continue to carry out this section at the rate of operation in effect on September 30, 2012, from sums in the Treasury not otherwise appropriated, through September 30, 2017.

''(B) AUTHORITY.—The program and authorities provided under this section shall continue in force and effect through September 30, 2017.''.

SEC. 5009. RESEARCH, EXTENSION, AND EDUCATIONAL PROGRAMS ON BIOBASED ENERGY TECHNOLOGIES AND PRODUCTS.

Section 9011(j)(1)(C) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(j)(1)(C)) is amended by striking ''2010'' and inserting ''2012''.

SEC. 5010. ENERGY COUNCIL OF THE DEPARTMENT OF AGRICULTURE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9012. ENERGY COUNCIL OF THE DEPARTMENT OF AGRICULTURE.

''(a) IN GENERAL.—The Secretary of Agriculture shall establish an energy council in the Office of the Secretary (in this section referred to as the 'Council') to coordinate the energy policy of the Department of Agriculture and consult with other departments and agencies of the Federal Government.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary shall appoint the members of the Council from among the staff of the agencies and mission areas of the Department of Agriculture with responsibilities relating to energy programs or policies.

''(2) CHAIR.—The chief economist and the Under Secretary for Rural Development of the Department of Agriculture shall serve as the Chairs of the Council.

''(c) DUTIES OF OFFICE OF ENERGY POLICY AND NEW USES.—The Office of Energy Policy and New Uses of the Department of Agriculture shall support the activities of the Council.''.

SEC. 5011. FOREST BIOENERGY RESEARCH PROGRAM.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9013. FOREST BIOENERGY RESEARCH PROGRAM.

''(a) IN GENERAL.—The Secretary of Agriculture, working through the Forest Service, in cooperation with other Federal agencies, land grant colleges and universities, and private entities, shall conduct a competitive research and development program to encourage new forest-to-energy technologies. The Secretary may use grants, cooperative agreements, and other methods to partner with cooperating entities on projects that the Secretary determines shall best promote new forest-to-energy technologies.

''(b) PRIORITY FOR PROJECT SELECTION.—The Secretary shall give priority to projects that—

''(1) develop technology and techniques to use low value forest materials, such as byproducts of forest health treatments and hazardous fuel reduction, for the production of energy;

''(2) develop processes for the conversion of cellulosic forest materials that integrate production of energy into existing manufacturing steams or in integrated forest biorefineries;

''(3) develop new transportation fuels that use forest materials as a feedstock for the production of such fuels; or

''(4) improve the of growth and yield of trees for the purpose of renewable energy and other forest product use.

''(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

''(1) $4,000,000 for fiscal year 2008;

''(2) $6,000,000 for fiscal year 2009;

''(3) $7,000,000 for fiscal year 2010;

''(4) $9,000,000 for fiscal year 2011; and

''(5) $10,000,000 for fiscal year 2012.''.

SEC. 5012. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9014. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

''(a) DEFINITIONS.—In this section:

''(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

''(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

''(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

''(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

''(1) IN GENERAL.—

''(A) PURCHASES AND SALES.—For each of fiscal years 2008 through 2012, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that 156 of the Federal Agricultural Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

''(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in fiscal years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than September 1, 2007, and each September 1 thereafter through fiscal year 2011, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available

for purchase and sale for the subsequent fiscal year under this section.

''(B) REESTIMATES.—Not later than the first day of each of the second through fourth quarters of each of fiscal years 2008 through 2012, the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

''(3) COMMODITY CREDIT CORPORATION INVENTORY.—To the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall sell such commodity to bioenergy producers under this section.

''(4) TRANSFER RULE; STORAGE FEES.—

''(A) GENERAL TRANSFER RULE.—Except as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this subsection take possession of such commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

''(B) PAYMENT OF STORAGE FEES PROHIBITED.—

''(i) IN GENERAL.—The Secretary shall, to the greatest extent practicable, carry out this subsection in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this subsection.

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

''(C) OPTION TO PREVENT STORAGE FEES.—

''(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase such commodities to be used to satisfy the contracts entered into with the bioenergy producers.

''(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases such commodities.

''(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, such sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

''(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.''.

TITLE VI—CARBON-NEUTRAL GOVERNMENT

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Carbon-Neutral Government Act of 2007''.

SEC. 6002. FINDINGS.

The Congress finds the following:

(1) The harms associated with global warming are serious and well recognized. These include the global retreat of mountain glaciers, reduction in snow cover extent, the earlier spring melting of rivers and lakes, the accelerated rate of rise of sea levels during the 20th century relative to the past few thousand years, and increased intensity of hurricanes and typhoons.

(2) The risks associated with a global mean surface temperature increase above 2 °C (3.6 °F) above preindustrial temperature are grave. According to the Intergovernmental Panel on Climate Change, such temperature increases would increase the severity of ongoing alterations of terrestrial and marine environments, with potentially catastrophic results. Ongoing and projected effects include more prevalent droughts in dry regions, an increase in the spread of disease, a significant reduction in water storage in winter snowpack in mountainous regions with direct and important economic consequences, a precipitous rise in sea levels by the end of the century, the potential devastation of coastal communities, severe and irreversible changes to natural ecosystems such as the bleaching and destruction of much of the world's coral, and the potential extinction of 30 percent of all living species.

(3) That these climate change effects and risks of future effects are widely shared does not minimize the adverse affects individual persons have suffered, will suffer, and are at risk of suffering because of global warming.

(4) That some of the adverse and potentially catastrophic effects of global warming are presently at risk of occurring and not a certainty does not negate the harm persons suffer from actions that increase the likelihood, extent, and severity of such future impacts.

(5) To preserve the ability to stabilize atmospheric greenhouse gas concentrations at levels likely to protect against a temperature rise above 2 °C (3.6 °F) and maintain the likelihood of avoiding catastrophic global warming will require reductions of greenhouse gas emissions of 50 percent to 85 percent globally.

(6) Achieving such reductions will require a multitude of actions across the global economy that may each address a relatively minute quantity of emissions, but will be cumulatively significant.

(7) With only 5 percent of the world population, the United States emits approximately 20 percent of the world's total greenhouse gas emissions, and must be a leader in addressing global warming.

(8) The United States Government is the largest energy consumer in the United States and is responsible for roughly 100,000,000 metric tons of CO2-equivalent emissions annually.

(9) A reduction in greenhouse gas emissions by Federal agencies would slow the increase of global emissions, thereby slowing the increase of global warming and the exacerbation of the risks associated with global warming. In addition, Federal action would accelerate the pace of development and adoption of technologies that will be critical to addressing global warming in the United States and worldwide.

(10) A failure by any Federal agency to comply with the provisions of this title requiring reductions in its greenhouse gas emissions would exacerbate the pace, extent, and risks of global warming, causing harms beyond what would otherwise occur. The incremental emissions from a Federal agency's failure to comply with this title create a harm, which is the incremental exacerbation of the adverse effects and risks of global warming. Although the emissions increments involved could be relatively small, such a failure allowing incrementally greater emissions would injure all United States citizens.

(11) Improved management of Government operations, including acquisitions and procurement and operation of Government facilities, can maximize the use of existing energy efficiency and renewable energy technologies to reduce global warming pollution, while saving taxpayers' money, reducing our dependence on oil, enhancing national security, cleaning the air, and protecting pristine places from drilling and mining.

(12) Enhancing the accountability and transparency of Government operations through setting milestones for agency activities, planning, measuring results, tracking results over time, and public reporting can improve Government management and make Government operations more efficient and cost effective.

Subtitle A—Federal Government Inventory and Management of Greenhouse Gas Emissions

SEC. 6101. INVENTORY OF FEDERAL GOVERNMENT GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—Each agency shall, in accordance with the guidance issued under subsection (b), annually inventory and report its greenhouse gas emissions for the preceding fiscal year. Each such inventory and report shall indicate as discrete categories—

(1) any direct emission of greenhouse gas as a result of an activity of the agency;

(2) the quantity of indirect emissions of greenhouse gases attributable to the generation of electricity used by the agency and commercial air travel by agency personnel; and

(3) the quantity of emissions of greenhouse gases associated with the work performed for the agency by Federal contractors, comprising direct emissions and indirect emissions associated with electricity used by, and commercial air travel by, such contractors.

(b) GUIDANCE; ASSISTANCE.—Not later than 3 months after the date of the enactment of this Act, the Administrator shall issue guidance for agencies for conducting inventories under this section and reporting under section 6102. Such guidance shall establish inventory and reporting procedures that are at least as rigorous as the inventory procedures established under the Environmental Protection Agency's Climate Leaders program and shall define the scope of the inventories of direct emissions described in subsection (a)(1) to be complete and consistent with the national obligation for reporting inventories under the United Nations Framework Convention on Climate Change. The Administrator shall provide assistance to agencies in preparing their inventories.

(c) INITIAL INVENTORY BY AGENCIES.—

(1) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, each agency shall submit to the Administrator and make publicly available on the agency's website an initial inventory of the agency's greenhouse gas emissions for the preceding fiscal year.

(2) CERTIFICATION.—Not later than 6 months after an agency submits an initial inventory under paragraph (1), the Administrator shall review the inventory for compliance with the guidance issued under subsection (b) and—

(A) certify that the inventory is technically valid; or

(B) decline to certify the inventory and provide an explanation of the actions or revisions that are necessary for the inventory to be certified under subparagraph (A).

(3) REVISION.—If the Administrator declines to certify the inventory of an agency under paragraph (2)(B), the agency shall submit to the Administrator and make publicly available on the agency's website a revised inventory not later than 6 months after the date on which the Administrator provides the agency with the explanation required by such paragraph.

(d) NET GREENHOUSE GASES FROM FEDERAL LANDS.—Beginning not later than 2 years

after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall include as a discrete category in any inventory under this section the net biological sequestration or emission of greenhouse gases related to human activities and associated with land managed by the Bureau of Land Management or the Forest Service. In developing such estimates of the net biological sequestration or emission of greenhouse gases, the Secretary of the Interior and the Secretary of Agriculture shall take into consideration the results of any available related assessments performed by the Secretary of the Interior. Such net biological sequestration or emissions of greenhouse gases shall not be considered for the purposes of setting or measuring progress toward targets under section 6102. For the purposes of this subsection, the net biological sequestration or emission of greenhouse gases refers to the net sequestration or emissions associated with uptake and release of greenhouse gases from soil, vegetation, and dead organic matter.

SEC. 6102. MANAGEMENT OF FEDERAL GOVERNMENT GREENHOUSE GAS EMISSIONS.

(a) EMISSION REDUCTION TARGETS.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall promulgate annual reduction targets for the total quantity of greenhouse gas emissions described in section 6101(a), expressed as carbon dioxide equivalents, of all agencies, taken collectively, for each of fiscal years 2010 through 2050.

(b) GOALS.—The targets promulgated under subsection (a) shall be calculated so as—

(1) to prevent the total quantity of greenhouse gas emissions of all agencies in fiscal year 2011 and each subsequent fiscal year from exceeding the total quantity of such emissions in fiscal year 2010; and

(2) to reduce such greenhouse gas emissions as rapidly as possible, but at a minimum by a quantity equal to 2 percent of projected fiscal year 2010 emissions each fiscal year, so as to achieve zero net annual greenhouse gas emissions from the agencies by fiscal year 2050.

(c) PROPORTIONATE SHARE.—Each agency shall limit the quantity of its greenhouse gas emissions described in section 6101(a) to its proportionate share so as to enable the agencies to achieve the targets promulgated under subsection (a). The Administrator shall promulgate annual reduction targets to be met by each agency to comply with this subsection, after consultation with the agencies and taking into account changes in agency size, structure, and mission over time.

(d) AGENCY PLANS FOR MANAGING EMISSIONS.—

(1) SUBMISSION.—Not later than 2 years after the date of the enactment of this Act, each agency shall develop, submit to the Administrator, and make publicly available on the agency's website a plan for achieving the annual reduction targets applicable to such agency under this section through fiscal year 2020. Not later than 2 years before the 10-year period beginning in 2021 and each subsequent 10-year period, the agency shall develop, submit to the Administrator, and make publicly available an updated plan for achieving such targets for the respective period. Each plan developed under this paragraph shall—

(A) identify the specific actions to be taken by the agency; and

(B) estimate the quantity of reductions of greenhouse gas emissions to be achieved through each such action.

(2) CERTIFICATION.—Not later than 6 months after an agency submits a plan under paragraph (1), the Administrator shall—

(A) certify that the plan is technically sound and, if implemented, is expected to limit the quantity of the agency's greenhouse gas emissions to its proportionate share under subsection (c); or

(B) decline to certify the plan and provide an explanation of the revisions that are necessary for the plan to be certified under subparagraph (A).

(3) REVISION.—If the Administrator declines to certify the plan of an agency under paragraph (2), the agency shall submit to the Administrator and make publicly available on the agency's website a revised plan not later than 6 months after the date on which the Administrator provides the agency with the explanation required by paragraph (2)(B).

(e) EMISSIONS MANAGEMENT.—

(1) REQUIREMENT.—Each agency shall implement each provision in its plan under subsection (d) to manage its greenhouse gas emissions to meet the annual reduction targets applicable to such agency under this section. If—

(A) an agency has met its applicable reduction target for the most recent year; and

(B) the agency demonstrates that it is projected to meet such targets for future years without implementing a provision or provisions included in its plan,

the agency may revise its plan, subject to subsection (d)(2), to defer implementation of such plan provisions until the date that implementation is needed to meet the agency's applicable targets.

(2) REVISION OF PLAN.—If any agency fails to meet such targets for a fiscal year, as indicated by the inventory and report prepared by the agency for such fiscal year, the agency shall submit to the Administrator and make publicly available on the agency's website a revised plan under subsection (d) not later than March 31 of the following fiscal year. The Administrator shall certify or decline to certify the revised plan in accordance with subsection (d)(2) not later than 3 months after receipt of the revised plan.

(3) OFFSETS.—

(A) PROPOSAL.—If no national mandatory economy-wide cap-and-trade program for greenhouse gases has been enacted by fiscal year 2010, the Administrator shall develop and submit to the Congress by 2011 a proposal to allow agencies to meet the annual reduction targets applicable to such agencies under this section in part through emissions offsets, beginning in fiscal year 2015.

(B) CONTENTS.—The proposal developed under subparagraph (A) shall ensure that emissions offsets are—

(i) real, surplus, verifiable, permanent, and enforceable; and

(ii) additional for both regulatory and financial purposes (such that the generator of the offset is not receiving credit or compensation for the offset in another regulatory or market context).

(C) RULEMAKING.—If by 2012 the Congress has not enacted a statute for the express purpose of codifying the proposal developed under subparagraph (A) or an alternative to such proposal, the Administrator shall implement the proposal through rulemaking.

(4) EXEMPTIONS.—The President may exempt an agency from complying with the emissions target established for that year under subsection (c) if the President determines it to be in the paramount interest of the United States to do so. The agency shall, to the greatest extent practicable, continue to implement the provisions in the agency's plan. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not more than one year upon the President's making a new determination.

(f) STUDIES ON FEDERAL LANDS.—The Forest Service, the Bureau of Land Management, the National Park Service, and the United States Fish and Wildlife Service shall—

(1) within 3 years after the date of the enactment of this Act, conduct studies of the opportunities for management strategies, and identify those management strategies with the greatest potential, to—

(A) enhance net biological sequestration of greenhouse gases on Federal lands they manage while avoiding harmful effects on other environmental values; and

(B) reduce negative impacts of global warming on biodiversity, water supplies, forest health, biological sequestration and storage, and related values;

(2) within 4 years after the date of the enactment of this Act, study the results that could be achieved through applying management strategies identified as having the greatest potential to achieve the benefits described in paragraph (1) by implementing field experiments on discrete portions of selected land management units in different parts of the Nation to test such strategies; and

(3) report to the Congress on the results of the studies.

(g) STUDY ON URBAN AND WILDLAND-URBAN FORESTRY PROGRAMS.—Within 2 years of the date of enactment of this Act, the Forest Service, in consultation with appropriate State and local agencies, shall conduct a study of the opportunities of urban and wildland-urban interface forestry programs to enhance net biological sequestration of greenhouse gases and achieve other benefits.

(h) REPORTING.—

(1) REPORTS BY AGENCIES.—Not later than December 31 each fiscal year, each agency shall submit to the Administrator and make publicly available on the agency's website a report on the agency's implementation of its plan required by subsection (d) for the preceding fiscal year, including the inventory of greenhouse gas emissions of the agency during such fiscal year.

(2) ANNUAL REPORT TO CONGRESS.—The Administrator shall review each report submitted under paragraph (1) for technical validity and compile such reports in an annual report on the Federal Government's progress toward carbon neutrality. The Administrator shall submit such annual report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate and make such annual report publicly available on the Environmental Protection Agency's website.

(3) ELECTRONIC SUBMISSION.—In complying with any requirement of this subtitle for submission of inventories, plans, or reports, an agency shall use electronic reporting in lieu of paper copy reports.

SEC. 6103. PILOT PROJECT FOR PURCHASE OF OFFSETS AND CERTIFICATES.

(a) GAO STUDY.—No later than April 1, 2008, the Comptroller General of the United States shall issue the report requested by the Congress on May 17, 2007, regarding markets for greenhouse gas emissions offsets.

(b) PILOT PROJECT.—Executive agencies and legislative branch offices may purchase qualified greenhouse gas offsets and qualified renewable energy certificates in any open market transaction that complies with all applicable procurement rules and regulations.

(c) QUALIFIED GREENHOUSE GAS OFFSETS.—For purposes of this section, the term ''qualified greenhouse gas offset'' means a real, additional, verifiable, enforceable, and permanent domestic—

(1) reduction of greenhouse gas emissions; or

(2) sequestration of greenhouse gases.

(d) QUALIFIED RENEWABLE ENERGY CERTIFICATES.—For purposes of this section, the

term ''qualified renewable energy certificate'' means a certificate representing a specific amount of energy generated by a renewable energy project that is real, additional, and verifiable.

(e) GUIDANCE.—No later than September 30, 2008, the Administrator shall issue guidelines, for Executive agencies, establishing criteria for qualified greenhouse gas offsets and qualified renewable energy certificates. Such guidelines shall take into account the findings and recommendations of the report issued under subsection (a) and shall—

(1) establish performance standards for greenhouse gas offset projects that benchmark reliably expected greenhouse gas reductions from identified categories of projects that reduce greenhouse gas emissions or sequester carbon in accordance with subsection (c); and

(2) establish criteria for qualified renewable energy certificates to ensure that energy generated is renewable and is in accordance with subsection (d).

(f) REPORT.—The Comptroller General of the United States shall evaluate the pilot program established by this section, including identifying environmental and other benefits of the program, as well as its financial costs and any disadvantages associated with the program. No later than April 1, 2011, the Comptroller General shall provide a report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate providing the details of the evaluation and any recommendations for improvement.

(g) ADDITIONAL DEFINITIONS.—In this section:

(1) Notwithstanding section 6106(3) of this Act, the term ''Executive agency'' has the meaning given to such term in section 105 of title 5, United States Code.

(2) The term ''renewable energy'' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)), except that energy generated from municipal solid waste shall not be renewable energy.

(h) AUTHORIZATION.—Of the amount of discretionary funds available to each Executive agency or legislative branch office for each of fiscal years 2009 and 2010, not more than 0.01 percent of such amount may be used for the purpose of carrying out this section. Such funding shall be in addition to any other funds available to the Executive agency or legislative branch office for such purpose.

(i) SUNSET CLAUSE.—This section ceases to be effective at the end of fiscal year 2010.

SEC. 6104. IMPACT ON AGENCY'S PRIMARY MISSION.

In implementing the requirements of this subtitle, each agency should adopt compliance strategies that are consistent with the agency's primary mission.

SEC. 6105. SAVINGS CLAUSE.

Nothing in this title or any amendment made by this title shall be interpreted to preempt or limit the authority of a State to take any action to address global warming.

SEC. 6106. DEFINITIONS.

In this subtitle:

(1) The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) The term ''carbon dioxide equivalent'' means, for each greenhouse gas, the quantity of the greenhouse gas that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into account the global warming potentials published by the Intergovernmental Panel on Climate Change.

(3) The term ''agency'' has the meaning given to that term in section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259).

(4) The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; or

(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines contributes to global warming to a non-negligible degree.

SEC. 6107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to implement this subtitle.

Subtitle B—Federal Government Energy Efficiency

SEC. 6201. FEDERAL VEHICLE FLEETS.

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

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) VEHICLE EMISSION REQUIREMENTS.—

''(1) PROHIBITION.—No Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

''(2) GUIDANCE.—Each year, the Administrator of the Environmental Protection Agency shall issue guidance identifying the makes and model numbers of vehicles that are low greenhouse gas emitting vehicles. In identifying such vehicles, the Administrator shall take into account the most stringent standards for vehicle greenhouse gas emissions applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States. The Administrator shall not identify any vehicle as a low greenhouse gas emitting vehicle if the vehicle emits greenhouse gases at a higher rate than such standards allow for the manufacturer's fleet average grams per mile of carbon dioxide-equivalent emissions for that class of vehicle, taking into account any emissions allowances and adjustment factors such standards provide.

''(3) DEFINITION.—For purposes of this subsection, the term 'medium duty passenger vehicle' has the meaning given that term section 523.2 of title 49 of the Code of Federal Regulations.''.

SEC. 6202. AGENCY ANALYSES FOR MOBILITY ACQUISITIONS.

(a) COST ESTIMATE REQUIREMENT.—Each Federal agency that owns, operates, maintains, or otherwise funds infrastructure, assets, or personnel to provide delivery of fuel to its operations shall apply activity based cost accounting principles to estimate the fully burdened cost of fuel.

(b) USE OF COST ESTIMATE.—Each agency shall use the fully burdened cost of fuel, as estimated under subsection (a), in conducting analyses and making decisions regarding its activities that create a demand for energy. Such analyses and decisions shall include—

(1) the use of models, simulations, wargames, and other analytical tools to determine the types of energy consuming equipment that an agency needs to conduct its missions;

(2) life-cycle cost benefit analyses and other trade-off analyses for determining the cost effectiveness of measures that improve the energy efficiency of an agency's equipment and systems;

(3) analyses and decisions conducted or made by others for the agency; and

(4) procurement and acquisition source selection criteria, requests for proposals, and best value determinations.

(c) REVISION OF ANALYTICAL TOOLS.—If a Federal agency employs models, simulations, wargames, or other analytical tools that require substantial upgrades to enable those tools to be used in compliance with this section, the agency shall complete such necessary upgrades not later than 4 years after the date of enactment of this Act.

(d) DEFINITION.—For purposes of this section, the term ''fully burdened cost of fuel'' means the commodity price for the fuel plus the total cost of all personnel and assets required to move and, where applicable, protect, the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

SEC. 6203. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) AMENDMENTS.—Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) in subsection (b)(1), by inserting ''in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products'' after ''energy consuming product''; and

(2) in subsection (c)—

(A) by inserting ''list in their catalogues, represent as available, and'' after ''Logistics Agency shall''; and

(B) by striking ''where the agency'' and inserting ''where the head of the agency''.

(b) CATALOGUE LISTING DEADLINE.—Not later than 9 months after the date of enactment of this Act, the General Services Administration and the Defense Logistics Agency shall ensure that the requirement in the amendment made under subsection (a)(2)(A) has been fully complied with.

SEC. 6204. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

(a) STANDARDS.—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by adding at the end the following new subparagraph:

''(D) Not later than 1 year after the date of enactment of the Carbon-Neutral Government Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

''(i) For new Federal buildings and Federal buildings undergoing major renovations, with respect to which the Adminstrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, in the case of public buildings (as defined in section 3301 of title 40, United States Code), or of at least $2,500,000 in costs adjusted annually for inflation for other buildings:

''(I) The buildings shall be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with such energy consumption by a similar building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

Fiscal Year	Percentage Reduction
2010	55
2015	65
2020	80
2025	90
2030	100.

''(II) Sustainable design principles shall be applied to the siting, design, and construction of such buildings. Not later than 60 days

after the date of enactment of the Carbon-Neutral Government Act of 2007, the Secretary, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall identify a certification system and level for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings. The identification of the certification system and level shall be based on the criteria specified in clause (ii) and shall achieve results at least comparable to the United States Green Building Council Leadership in Energy and Environmental Design silver level. Within 60 days of the completion of each study required by clause (iii), the Secretary, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall review and update the certification system and level, taking into account the conclusions of such study.

''(ii) In identifying the green building certification system and level, the Secretary shall take into consideration—

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

''(II) the ability of the applicable certification organization to collect and reflect public comment;

''(III) the ability of the standard to be developed and revised through a consensus-based process;

''(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

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

''(bb) use of renewable energy sources;

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

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iii) At least once every five years, the Administrator of General Services shall conduct a study to evaluate and compare available third-party green building certification systems and levels, taking into account the criteria listed in clause (ii).

''(iv) The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by the certification entity identified under clause (i)(II). The Secretary shall include in any such rule guidelines to ensure that the certification process results in buildings meeting the applicable certification system and level identified under clause (i)(II). An agency employing an internal certification process must continue to obtain external certification by the certification entity identified under clause (i)(II) for at least 5 percent of the total number of buildings certified annually by the agency.

''(v) With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary may, through rulemaking, develop alternative criteria to those established by subclauses (I) and (II) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

''(vi) In addition to any use of water conservation technologies otherwise required by this section, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.''.

(b) DEFINITIONS.—Section 303(6) of the Energy Conservation and Production Act (42 U.S.C. 6832(6)) is amended by striking ''which is not legally subject to State or local building codes or similar requirements.'' and inserting ''. Such term shall include buildings built for the purpose of being leased by a Federal agency, and privatized military housing.''.

SEC. 6205. MANAGEMENT OF FEDERAL BUILDING EFFICIENCY.

(a) LARGE CAPITAL ENERGY INVESTMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following new subsection:

''(f) LARGE CAPITAL ENERGY INVESTMENTS.—Each Federal agency shall ensure that any large capital energy investment in an existing building that is not a major renovation but involves replacement of installed equipment, such as heating and cooling systems, or involves renovation, rehabilitation, expansion, or remodeling of existing space, employs the most energy efficient designs, systems, equipment, and controls that are life-cycle cost effective. Not later than 6 months after the date of enactment of the Carbon-Neutral Government Act of 2007, each Federal agency shall develop a process for reviewing each such large capital energy investment decision to ensure that the requirement of this subsection is met, and shall report to the Office of Management and Budget on the process established. Not later than one year after the date of enactment of the Carbon-Neutral Government Act of 2007, the Office of Management and Budget shall evaluate and report to Congress on each agency's compliance with this subsection.''.

(b) METERING.—Section 543(e)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)(1)) is amended by inserting ''By October 1, 2016, each agency shall also provide for equivalent metering of natural gas, steam, chilled water, and water, in accordance with guidelines established by the Secretary under paragraph (2).'' after ''buildings of the agency.''.

SEC. 6206. LEASING.

(a) IN GENERAL.—Except as provided in subsection (b), effective 3 years after the date of enactment of this Act, no Federal agency shall enter into a new contract to lease space in a building that has not earned the Energy Star label in the most recent year.

(b) EXCEPTION.—If—

(1) no space is available in such a building that meets an agency's functional requirements, including locational needs;

(2) the agency is proposing to remain in a building that the agency has occupied previously;

(3) the agency is proposing to lease a building of historical, architectural, or cultural significance, as defined in section 3306(a)(4) of title 40, United States Code, or space in such a building; or

(4) the lease is for no more than 10,000 gross square feet of space,

the agency may enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year if the lease contract includes provisions requiring that, prior to occupancy, or in the case of a contract described in paragraph (2) not later than 6 months after signing the contract, the space will be renovated for all energy efficiency improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

SEC. 6207. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from non-conventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

SEC. 6208. CONTRACTS FOR RENEWABLE ENERGY FOR EXECUTIVE AGENCIES.

Section 501(b)(1) of title 40, United States Code, is amended—

(1) in subparagraph (B), by striking ''A contract'' and inserting ''Except as provided in subparagraph (C), a contract''; and

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

''(C) RENEWABLE ENERGY CONTRACTS.—A contract for renewable energy may be made for a period of not more than 30 years. For the purposes of this subparagraph, the term 'renewable energy' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)), except that energy generated from municipal solid waste shall not be considered renewable energy.''.

SEC. 6209. GOVERNMENT EFFICIENCY STATUS REPORTS.

(a) IN GENERAL.—Each Federal agency subject to any of the requirements of this title and the amendments made by this title shall compile and submit to the Director of the Office of Management and Budget an annual Government efficiency status report on—

(1) compliance by the agency with each of the requirements of this title and the amendments made by this title;

(2) the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases; and

(3) savings to American taxpayers resulting from mandated improvements under this title and the amendments made by this title

(b) SUBMISSION.—Such report shall be submitted—

(1) to the Director at such time as the Director requires;

(2) in electronic, not paper, format; and

(3) consistent with related reporting requirements.

SEC. 6210. OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.

(a) REPORTS.—Not later than April 1 of each year, the Director of the Office of Management and Budget shall submit an Annual Government Efficiency report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, which shall contain—

(1) a summary of the information reported by agencies under section 6209;

(2) an evaluation of the Government's overall progress toward achieving the goals of this title and the amendments made by this title; and

(3) recommendations for additional actions necessary to meet the goals of this title and the amendments made by this title.

(b) SCORECARDS.—The Office of Management and Budget shall include in any annual energy scorecard it is otherwise required to submit a description of each agency's compliance with the requirements of this title and the amendments made by this title.

SEC. 6211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to implement this subtitle.

SEC. 6212. JUDICIAL REVIEW.

(a) FINAL AGENCY ACTION.—Any nondiscretionary act or duty under this title or any amendment made by this title is a final agency action for the purposes of judicial review under chapter 7 of title 5, United States Code.

(b) VENUE FOR CERTAIN ACTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any petition for review of action of the Administrator in promulgating any rule under subtitle A of this title.

(c) LIMITATIONS.—No action under chapter 7 of title 5, United States Code, may be commenced prior to 60 days after the date on which the plaintiff has given notice to the Federal agency concerned of the alleged violation of this title or any amendment made by this title.

(d) COMMON CLAIMS.—When civil actions arising under this title or any amendment made by this title are pending in the same court and involve one or more common questions of fact or common claims regarding the same alleged Federal agency failure or failures to act, the court may consolidate such claims into a single action for judicial review. When civil actions arising under this title or any amendment made by this title are pending in different districts and involve one or more common questions of fact or common claims regarding the same alleged Federal agency failure or failures to act, such actions may be consolidated pursuant to section 1407 of title 28, United States Code.

(e) AGGRIEVED PERSONS.—A person shall be considered aggrieved within the meaning of this title or any amendment made by this title for purposes of obtaining judicial review under chapter 7 of title 5, United States Code, if the person alleges—

(1) harm attributable to a Federal agency's failure to reduce its greenhouse gas emissions in accordance with the requirements under this title or any amendment made by this title, or take other actions required under this title or any amendment made by this title; or

(2) a Federal agency's failure to collect and provide information to the public as required by this title or any amendment made by this title.

For purposes of this section, the term ''harm'' includes any effect of global warming, currently occurring or at risk of occurring, and the incremental exacerbation of any such effect or risk that is associated with relatively small increments of greenhouse gas emissions, even if the effect or risk is widely shared. An effect or risk associated with global warming is ''attributable'' to a Federal agency's failure to act as described in paragraph (1) if the failure to act results in larger emissions of greenhouse gases than would have been emitted had the Federal agency followed the requirements of this title or any amendment made by this title, as any such incremental additional emissions will exacerbate the pace, extent, and risks of global warming.

(f) REMEDY.—

(1) IN GENERAL.—In addition to the remedies available under chapter 7 of title 5, United States Code, a court may provide the remedies specified in this subsection.

(2) PAYMENT.—In any civil action alleging a violation of this title, if the court finds that an agency has significantly violated this title in its failure to perform any nondiscretionary act or duty under this title or any amendment made by this title, the court may award a payment, payable by the United States Treasury, to be used for a beneficial mitigation project recommended by the plaintiff or to compensate the plaintiff for any impact from global warming suffered by the plaintiff. The total payment for all claims by all plaintiffs in any such action shall not exceed the amount provided in section 1332(b) of title 28, United States Code. A court may deny a second payment under this section if the court determines that the plaintiff has filed multiple separate actions that could reasonably have been combined into a single action. No payment may be awarded under this paragraph for violations of an agency's obligation to collect or report information to the public. No court may award any payment under this paragraph in any given year if the cumulative payments awarded by courts under this paragraph in such year are equal to or greater than $1,500,000.

(3) COSTS.—A court may award costs of litigation to any substantially prevailing plaintiff or to any other plaintiff whenever the court determines such an award is appropriate. Such an award is appropriate when such litigation contributes to the Federal agency's compliance with this title or any amendment made by this title. Costs of litigation include reasonable attorney fees and expert fees.

(4) EXCLUSIVE REMEDY.—Notwithstanding any other provision of Federal law—

(A) no plaintiff who is awarded a payment under this subsection for a failure to perform a mandatory duty under this title or any amendment made by this title may be awarded a payment for such failure under any other Federal law; and

(B) no plaintiff may be awarded a payment under this subsection for a failure to perform a mandatory duty under this title or any amendment made by this title if the plaintiff has been awarded a payment for such failure under any other Federal law.

(g) NO STATE COURT ACTION.—No person may bring any action in State court alleging a violation of this title or any amendment made by this title.

(h) INAPPLICABILITY TO PROCUREMENT PROTESTS.—No action may be commenced under this section objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement if such action may be brought by an interested party under section 1491(b)(1) of title 28, United States Code, or subchapter V of title 31, United States Code.

(i) DEFINITION.—In this section, the term ''person'' means a United States person. In the case of an individual, such term means a citizen or national of the United States.

TITLE VII—NATURAL RESOURCES COMMITTEE PROVISIONS

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Energy Policy Reform and Revitalization Act of 2007''.

Subtitle A—Energy Policy Act of 2005 Reforms

SEC. 7101. FISCALLY RESPONSIBLE ENERGY AMENDMENTS.

(a) REQUIREMENT TO ESTABLISH COST RECOVERY FEE.—Section 365(i) of the Energy Policy Act of 2005 (Public Law 109–58; 42 U.S.C. 15924(i)) is amended to read as follows:

''(i) FEE FOR APPLICATIONS FOR PERMITS TO DRILL.—

''(1) REQUIREMENT TO ESTABLISH COST RECOVERY FEE.—The Secretary of the Interior shall promulgate regulations to establish a cost recovery fee for applications for a permit to drill for oil and gas on Federal lands administered by the Secretary.

''(2) TEMPORARY FEE.—Until such time as a fee is established by such regulations, the Secretary shall charge a cost recovery fee of $1,700 for each such application received on or after October 1, 2007.

''(3) DEPOSIT AND USE.—Amounts received by the United States in the form of the fee established under this subsection—

''(A) shall be available to the Secretary of the Interior to administer permit processing; and

''(B) shall be treated as offsetting receipts.''.

(b) REPEAL OF BLM PERMIT PROCESSING IMPROVEMENT FUND.—

(1) REPEAL.—Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking subsection (c).

(2) TREATMENT OF BALANCE.—Any balances remaining in the BLM Permit Processing Improvement Fund on the effective date of this subsection shall be transferred to the general fund of the Treasury of the United States.

(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2007.

SEC. 7102. EXTENSION OF DEADLINE FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.

Subsection (p)(2) of section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by striking ''30'' and inserting ''45''.

SEC. 7103. OIL SHALE AND TAR SANDS LEASING.

Section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927) is amended—

(1) in subsection (c), by striking ''not later than 180 days after the date of enactment of this Act,'';

(2) in subsection (c), by striking ''shall make'' and inserting ''may make'';

(3) in subsection (d)(1), by striking ''Not later than 18 months after the date of enactment of this Act, in'' and inserting ''In'';

(4) in subsection (d)(2)—

(A) in the heading by striking ''FINAL'' and inserting ''PROPOSED''; and

(B) in the text by striking ''final'' and inserting ''proposed'';

(5) in subsection (d)(2), by striking ''6'' and inserting ''12'';

(6) in subsection (d)(2) by inserting after the period ''The proposed regulations developed under this paragraph are to be open for public comment for no less than 120 days.'';

(7) by redesignating subsections (e) through (s) as subsections (g) through (u), and by inserting after subsection (d) the following:

''(e) OIL SHALE AND TAR SANDS LEASING AND DEVELOPMENT STRATEGY.—

''(1) GENERAL.—Not later than 6 months after the completion of the programmatic environmental impact statement under subsection (d), the Secretary shall prepare an oil shale and tar sands leasing and development strategy, in cooperation with the Secretary of Energy and the Administrator of the Environmental Protection Agency.

''(2) PURPOSE.—The purpose of the strategy developed under this subsection is to provide a framework for regulations that will allow for the sustainable and publicly acceptable large-scale development of oil shale within the Green River Formation and to provide a basis for decisions regarding Federal support for research and other activities to achieve that result.

''(3) CONTENTS.—The strategy shall include plans and programs for obtaining information required for determining the optimal methods, locations, amount, and timeframe for potential development on Federal lands within the Green River Formation. The

strategy shall also include plans for conducting critical environmental and ecological research, high-payoff process improvement research, an assessment of carbon management options, and a large-scale demonstration of carbon dioxide sequestration in the general vicinity of the Piceance Basin.

''(f) ALTERNATIVE APPROACHES.—In developing the strategy under subsection (e), the Secretary shall, in cooperation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, consult with industry and other interested persons regarding alternative approaches to providing access to Federal lands for early first-of-a-kind commercial facilities for extracting and processing oil shale and tar sands.'';

(8) in subsection (g), as so redesignated, by striking ''of the final regulation required by subsection (d)'' and inserting ''of final regulations issued under this section'';

(9) in subsection (g), as so redesignated, by adding at the end the following: ''Compliance with the National Environmental Policy Act of 1969 is required on a site-by-site basis for all lands proposed to be leased under the commercial leasing program established in this subsection.''; and

(10) in subsection (i)(1)(B), as so redesignated, by striking ''subsection (e)'' and inserting ''subsection (g)''.

SEC. 7104. LIMITATION OF REBUTTABLE PRESUMPTION REGARDING APPLICATION OF CATEGORICAL EXCLUSION UNDER NEPA FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES.

Section 390 of the Energy Policy Act of 2005 (Public Law 109–58; 42 U.S.C. 15942) is amended by adding at the end the following:

''(c) ADHERENCE TO CEQ REGULATIONS.—In administering this section, the Secretary of the Interior in managing the public lands, and the Secretary of Agriculture in managing National Forest System lands, shall adhere to the regulations issued by the Council on Environmental Quality relating to categorical exclusions (40 C.F.R. 1507.3 and 1508.4), as in effect on the date of enactment of this Act.''.

SEC. 7105. BEST MANAGEMENT PRACTICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, through the Bureau of Land Management, shall amend the best management practices guidelines for oil and gas development on Federal lands, to—

(1) require public review and comment prior to waiving any stipulation of an oil and gas lease for such lands, except in the case of an emergency; and

(2) create an incentive for oil and gas operators to adopt best management practices that minimize adverse impacts to wildlife habitat, by providing expedited permit review for any operator that commits to adhering to those practices without seeking waiver of such stipulations.

SEC. 7106. FEDERAL CONSISTENCY APPEALS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Consistency Appeals Decision Refinement Act''.

(b) CLARIFICATION OF APPEAL DECISION TIME PERIODS AND INFORMATION REQUIREMENTS.—Section 319(b) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465(b)) is amended—

(1) in paragraph (1), by striking ''160-day'' and inserting ''200-day'';

(2) in paragraph (3)(A)—

(A) by striking ''160-day'' and inserting ''200-day''; and

(B) by amending clause (ii) to read as follows:

''(ii) as the Secretary determines necessary to receive, on an expedited basis, any supplemental or clarifying information relevant to the consolidated record compiled by the lead Federal permitting agency to complete a consistency review under this title.''; and

(3) in paragraph (3)(B) by striking ''160-day'' and inserting ''200-day''.

Subtitle B—Federal Energy Public Accountability, Integrity, and Public Interest

CHAPTER 1—ACCOUNTABILITY AND INTEGRITY IN THE FEDERAL ENERGY PROGRAM

SEC. 7201. AUDITS.

(a) REQUIREMENT TO INCREASE THE NUMBER OF AUDITS.—The Secretary of the Interior shall ensure that by fiscal year 2009 the Minerals Management Service shall perform no less that 550 audits of oil and gas leases each fiscal year.

(b) STANDARDS.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that require that all employees that conduct audits or compliance reviews must meet professional auditor qualifications that are consistent with the latest revision of the Government Auditing Standards published by the Government Accountability Office. Such regulations shall also ensure that all audits conducted by the Department of the Interior are performed in accordance with such standards.

SEC. 7202. FINES AND PENALTIES.

(a) SANCTIONS FOR VIOLATIONS RELATING TO FEDERAL OIL AND GAS ROYALTIES.—Section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719) is amended to read as follows:

''CIVIL PENALTIES

''SEC. 109. (a) ROYALTY VIOLATIONS.—(1) No person shall—

''(A) after due notice of violation or after such violation has been reported under paragraph (3)(A), fail or refuse to comply with any requirement of any mineral leasing law or any regulation, order, lease, or permit under such a law;

''(B) fail or refuse to make any royalty payment in the amount or value required by any mineral leasing law or any regulation, order, or lease under such a law, with the intent to defraud;

''(C) fail or refuse to make any royalty payment by the date required by any mineral leasing law or any regulation, order, or lease under such a law, with the intent to defraud; or

''(D) prepare, maintain, or submit any false, inaccurate, or misleading report, notice, affidavit, record, data, or other written information or filing related to royalty payments that is required under any mineral leasing law or regulation issued under any mineral leasing law, with the intent to defraud.

''(2) A person who violates paragraph (1) shall be liable—

''(A) in the case of a violation of subparagraph (B) or (C) of paragraph (1) for an amount equal to 3 times the royalty the person fails or refuses to pay, plus interest on that trebled amount measured from the first date the royalty payment was due; and

''(B) in the case of any violation, for a civil penalty of—

''(i) except as provided in clause (ii), up to $25,000 per violation for each day the violation continues; or

''(ii) if the person failed or refused to make a payment of royalty owed in an amount less than $25,000, an amount equal to 150 percent of the royalty owed that was not paid;

''(3) Paragraph (2) shall not apply to a violation of paragraph (1) if the person who commits the violation, within 30 days of knowing of the violation—

''(A) reports the violation to the Secretary or a representative designated by the Secretary; and

''(B) corrects the violation.

''(b) LEASE ADMINISTRATION VIOLATIONS.—Any person who—

''(1) fails to notify the Secretary of—

''(A) any designation by the person under section 102(a); or

''(B) any other assignment of obligations or responsibilities of the person under a lease;

''(2) fails or refuses to permit—

''(A) lawful entry;

''(B) inspection, including any inspection authorized by section 108; or

''(C) audit, including any failure or refusal to promptly tender requested documents;

''(3) fails or refuses to comply with subsection 102(b)(3) (relating to notification regarding beginning or resumption of production); or

''(4) fails to correctly report and timely provide operations or financial records necessary for the Secretary or any authorized designee of the Secretary to accomplish lease management responsibilities,

shall be liable for a penalty of up to $10,000 per violation for each day such violation continues.

''(c) THEFT.—Any person who—

''(1) knowingly or willfully takes or removes, transports, uses or diverts any oil or gas from any lease site without having valid legal authority to do so; or

''(2) purchases, accepts, sells, transports, or conveys to another, any oil or gas knowing or having reason to know that such oil or gas was stolen or unlawfully removed or diverted,

shall be liable for a penalty of up to $25,000 per violation for each day such violation continues without correction.

''(d) ADMINISTRATIVE APPEAL.—(1) Any determination by the Secretary or a designee of the Secretary of the amount of any royalties or civil penalties owed under subsection (a), (b), or (c) shall be final, unless within 120 days after notification by the Secretary or designee the person liable for such amount files an administrative appeal in accordance with regulations issued by the Secretary.

''(2) If a person files an administrative appeal pursuant to paragraph (1), the Secretary or designee shall make a final determination in accordance with the regulations referred to in paragraph (1).

''(e) DEDUCTION.—The amount of any penalty under this section, as finally determined may be deducted from any sums owing by the United States to the person charged.

''(f) COMPROMISE AND REDUCTION.—On a case-by-case basis the Secretary may compromise or reduce civil penalties under this section.

''(g) NOTICE.—Notice under this subsection (a) shall be by personal service by an authorized representative of the Secretary or by registered mail. Any person may, in the manner prescribed by the Secretary, designate a representative to receive any notice under this subsection.

''(h) RECORD OF DETERMINATION.—In determining the amount of such penalty, or whether it should be remitted or reduced, and in what amount, the Secretary shall state on the record the reasons for his determinations.

''(i) JUDICIAL REVIEW.—Any person who has requested a hearing in accordance with subsection (e) within the time the Secretary has prescribed for such a hearing and who is aggrieved by a final order of the Secretary under this section may seek review of such order in the United States district court for the judicial district in which the violation allegedly took place. Review by the district court shall be de novo. Such an action shall be barred unless filed within 90 days after the Secretary's final order.

''(j) FAILURE TO PAY.—If any person fails to pay an assessment of a civil penalty under this Act—

''(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with subsection (j), or

''(2) after a court in an action brought under subsection (j) has entered a final judgment in favor of the Secretary,

the court shall have jurisdiction to award the amount assessed plus interest from the date of the expiration of the 90-day period referred to in subsection (j). Judgment by the court shall include an order to pay.

''(k) RELATIONSHIP TO MINERAL LEASING ACT.—No person shall be liable for a civil penalty under subsection (a) or (b) for failure to pay any rental for any lease automatically terminated pursuant to section 31 of the Mineral Leasing Act.

''(l) TOLLING OF STATUTES OF LIMITATION.—(1) Any determination by the Secretary or a designee of the Secretary that a person has violated subsection (a), (b)(2), or (b)(4) shall toll any applicable statute of limitations for all oil and gas leases held or operated by such person, until the later of—

''(A) the date on which the person corrects the violation and certifies that all violations of a like nature have been corrected for all of the oil and gas leases held or operated by such person; or

''(B) the date a final, nonappealable order has been issued by the Secretary or a court of competent jurisdiction.

''(2) A person determined by the Secretary or a designee of the Secretary to have violated subsection (a), (b)(2), or (b)(4) shall maintain all records with respect to the person's oil and gas leases until the later of—

''(A) the date the Secretary releases the person from the obligation to maintain such records; and

''(B) the expiration of the period during which the records must be maintained under section 103(b).

''(m) STATE SHARING OF PENALTIES.—Amounts received by the United States in an action brought under section 3730 of title 31, United States Code, that arises from any underpayment of royalties owed to the United States under any lease shall be treated as royalties paid to the United States under that lease for purposes of the mineral leasing laws and the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).''.

(b) SHARED CIVIL PENALTIES.—Section 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1736) is amended—

(1) by inserting ''trebled royalties or'' after ''50 per centum of any''; and

(2) by striking the second sentence.

CHAPTER 2—AMENDMENTS TO FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

SEC. 7211. AMENDMENTS TO DEFINITIONS.

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702) is amended—

(1) in paragraph (20)(A), by striking '': *Provided*, That'' and all that follows through ''subject of the judicial proceeding'';

(2) in paragraph (20)(B), by striking ''(with written notice to the lessee who designated the designee)'';

(3) in paragraph (23)(A), by striking ''(with written notice to the lessee who designated the designee)'' ;

(4) by amending paragraph (24) to read as follows:

''(24) 'designee' means any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);'';

(5) in paragraph (25)(B), by striking ''(subject to the provisions of section 102(a) of this Act)''; and

(6) in paragraph (26), by striking ''(with notice to the lessee who designated the designee)''.

SEC. 7212. INTEREST.

(a) ESTIMATED PAYMENTS; INTEREST ON AMOUNT OF UNDERPAYMENT.—Section 111(j) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721(j)) is amended by striking ''If the estimated payment exceeds the actual royalties due, interest is owed on the overpayment.''.

(b) OVERPAYMENTS.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by striking subsections (h) and (i).

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective one year after the date of enactment of this Act.

SEC. 7213. OBLIGATION PERIOD.

Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following:

''(3) ADJUSTMENTS.—In the case of an adjustment under section 111A(a) (30 U.S.C. 1721a(a)) in which a recoupment by the lessee results in an underpayment of an obligation, for purposes of this Act the obligation becomes due on the date the lessee or its designee makes the adjustment.''.

SEC. 7214. TOLLING AGREEMENTS AND SUBPOENAS.

(a) TOLLING AGREEMENTS.—Section 115(d)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(1)) is amended by striking ''(with notice to the lessee who designated the designee)''.

(b) SUBPOENAS.—Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking ''(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)''.

SEC. 7215. LIABILITY FOR ROYALTY PAYMENTS.

Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

''(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease or under the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary or the applicable delegated State. Any person who pays, offsets or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee's designee under this Act. Notwithstanding any other provision of this Act to the contrary, a designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a person owning legal record title in a lease shall be liable for that person's pro rata share of payment obligations under the lease.''.

CHAPTER 3—PUBLIC INTEREST IN THE FEDERAL ENERGY PROGRAM

SEC. 7221. SURFACE OWNER PROTECTION.

(a) DEFINITIONS.—As used in this section—

(1) the term ''Secretary'' means the Secretary of the Interior;

(2) the term ''lease'' means a lease issued by the Secretary under the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(3) the term ''lessee'' means the holder of a lease; and

(4) the term ''operator'' means any person that is responsible under the terms and conditions of a lease for the operations conducted on leased lands or any portion thereof.

(b) POST-LEASE SURFACE USE AGREEMENT.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may not authorize any operator to conduct exploration and drilling operations on lands with respect to which title to oil and gas resources is held by the United States but title to the surface estate is not held by the United States, until the operator has filed with the Secretary a document, signed by the operator and the surface owner or owners, showing that the operator has secured a written surface use agreement between the operator and the surface owner or owners that meets the requirements of paragraph (2).

(2) CONTENTS.—The surface use agreement shall provide for—

(A) the use of only such portion of the surface estate as is reasonably necessary for exploration and drilling operations based on site-specific conditions;

(B) the accommodation of the surface estate owner to the maximum extent practicable, including the location, use, timing, and type of exploration and drilling operations, consistent with the operator's right to develop the oil and gas estate;

(C) the reclamation of the site to a condition capable of supporting the uses which such lands were capable of supporting prior to exploration and drilling operations or other uses as agreed to by the operator and the surface owner; and

(D) compensation for damages as a result of exploration and drilling operations, including but not limited to—

(i) loss of income and increased costs incurred;

(ii) damage to or destruction of personal property, including crops, forage, and livestock; and

(iii) failure to reclaim the site in accordance with this subparagraph (C).

(3) PROCEDURE.—

(A) IN GENERAL.—An operator shall notify the surface estate owner or owners of the operator's desire to conclude an agreement under this section. If the surface estate owner and the operator do not reach an agreement within 90 days after the operator has provided such notice, the matter shall be referred to third party arbitration for resolution within a period of 90 days. The cost of such arbitration shall be the responsibility of the operator.

(B) IDENTIFICATION OF ARBITERS.—The Secretary shall identify persons with experience in conducting arbitrations and shall make this information available to operators and surface owners.

(C) REFERRAL TO IDENTIFIED ARBITER.—Referral of a matter for arbitration by a person identified by the Secretary pursuant to subparagraph (B) shall be sufficient to constitute compliance with subparagraph (A).

(4) ATTORNEYS FEES.—If action is taken to enforce or interpret any of the terms and conditions contained in a surface use agreement, the prevailing party shall be reimbursed by the other party for reasonable attorneys fees and actual costs incurred, in addition to any other relief which a court or arbitration panel may grant.

(c) AUTHORIZED EXPLORATION AND DRILLING OPERATIONS.—

(1) AUTHORIZATION WITHOUT SURFACE USE AGREEMENT.—The Secretary may authorize an operator to conduct exploration and drilling operations on lands covered by subsection (b) in the absence of an agreement with the surface estate owner or owners, if—

(A) the Secretary makes a determination in writing that the operator made a good

faith attempt to conclude such an agreement, including referral of the matter to arbitration pursuant to subsection (b)(3), but that no agreement was concluded within 90 days after the referral to arbitration;

(B) the operator submits a plan of operations that provides for the matters specified in subsection (b)(2) and for compliance with all other applicable requirements of Federal and State law; and

(C) the operator posts a bond or other financial assurance in an amount the Secretary determines to be adequate to ensure compensation to the surface estate owner for any damages to the site, in the form of a surety bond, trust fund, letter of credit, government security, certificate of deposit, cash, or equivalent.

(2) SURFACE OWNER PARTICIPATION.—The Secretary shall provide surface estate owners with an opportunity to—

(A) comment on plans of operations in advance of a determination of compliance with this section;

(B) participate in bond level determinations and bond release proceedings under this subsection;

(C) attend an on-site inspection during such determinations and proceedings;

(D) file written objections to a proposed bond release; and

(E) request and participate in an on-site inspection when they have reason to believe there is a violation of the terms and conditions of a plan of operations.

(3) PAYMENT OF FINANCIAL GUARANTEE.—A surface estate owner with respect to any land subject to a lease may petition the Secretary for payment of all or any portion of a bond or other financial assurance required under this subsection as compensation for any damages as a result of exploration and drilling operations. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface estate owner for such damages.

(4) BOND RELEASE.—Upon request and after inspection and opportunity for surface estate owner review, the Secretary may release the financial assurance required under this subsection if the Secretary determines that exploration and drilling operations have ended and all damages have been fully compensated.

(d) SURFACE OWNER NOTIFICATION.—The Secretary shall—

(1) notify surface estate owners in writing at least 45 days in advance of lease sales;

(2) within ten working days after a lease is issued, notify surface estate owners regarding the identity of the lessee;

(3) notify surface estate owners in writing within 10 working days concerning any subsequent decisions regarding a lease, such as modifying or waiving stipulations and approving rights-of-way; and

(4) notify surface estate owners within five business days after issuance of a drilling permit under a lease.

(e) REGULATIONS.—The Secretary shall issue regulations implementing this section by not later than 1 year after the date of the enactment of this Act.

(f) RELATIONSHIP TO STATE LAW.—Nothing in this section preempts applicable State law or regulation relating to surface owner protection.

SEC. 7222. ONSHORE OIL AND GAS RECLAMATION AND BONDING.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) RECLAMATION REQUIREMENTS.—An operator producing oil or gas (including coalbed methane) under a lease issued pursuant to this Act shall—

''(1) at a minimum restore the land affected to a condition capable of supporting the uses that it was capable of supporting prior to any drilling, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not impractical or unreasonable, inconsistent with applicable land use policies and plans, or involve unreasonable delay in implementation, or is violative of Federal or State law;

''(2) ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the oil and gas drilling operations; and

''(3) submit with the plan of operations a reclamation plan that describes in detail the methods and practices that will be used to ensure complete and timely restoration of all lands affected by oil and gas operations.

''(r) RECLAMATION BOND OR OTHER FINANCIAL ASSURANCES.—An operator producing oil or gas (including coalbed methane) under a lease issued under this Act shall post a bond or other financial assurances that cover the reclamation of that area of land within the permit area upon which the operator will initiate and conduct oil and gas drilling and reclamation operations within the initial term of the permit. As succeeding increments of oil and gas drilling and reclamation operations are to be initiated and conducted within the permit area, the lessee shall file with the regulatory authority an additional bond or bonds or other financial assurances to cover such increments in accordance with this section. The amount of the bond or other financial assurances required for each bonded area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential; and shall be determined by the Secretary. The amount of the bond or other financial assurances shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the Secretary in the event of forfeiture.

''(s) REGULATIONS.—No later than one year after the date of the enactment of this subsection, the Secretary shall promulgate regulations to implement the requirements, including for the release of bonds or other financial assurances, of subsections (q) and (r).''.

SEC. 7223. PROTECTION OF WATER RESOURCES.

(a) MINERAL LEASING ACT REQUIREMENTS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(t) WATER REQUIREMENTS.—

''(1) IN GENERAL.—An operator producing oil or gas (including coalbed methane) under a lease issued under this Act shall—

''(A) remediate or replace the water supply of a water user who obtains all or part of such user's supply of water for domestic, agricultural, or other purposes from an underground or surface source that has been affected by contamination, diminution, or interruption proximately resulting from drilling operations for such production; and

''(B) comply with all applicable requirements of Federal and State law for discharge of any water produced under the lease.

''(2) WATER MANAGEMENT PLAN.—An application for a permit to drill submitted pursuant to a lease issued under this Act shall be accompanied by a proposed water management plan including provisions to—

''(A) protect the quantity and quality of surface and ground water systems, both on-site and off-site, from adverse effects of the exploration, development, and reclamation processes or to provide alternative sources of water if such protection cannot be assured;

''(B) protect the rights of present users of water that would be affected by operations under the lease, including the discharge of any water produced in connection with such operations that is not reinjected; and

''(C) identify any agreements with other parties for the beneficial use of produced waters and the steps that will be taken to comply with State and Federal laws related to such use.''.

(b) RELATION TO STATE LAW.—Nothing in this chapter or any amendment made by this chapter shall—

(1) be construed as impairing or in any manner affecting any right or jurisdiction of any State with respect to the waters of such State; or

(2) be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between States.

(c) REGULATIONS.—No later than one year after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations to implement this section.

(d) INTENT OF CONGRESS.—Nothing in this section shall be construed to be intended by Congress as a precedent for oil and gas management on State or privately owned land.

SEC. 7224. DUE DILIGENCE FEE.

(a) ESTABLISHMENT.—The Secretary of the Interior shall, within 180 days after the date of enactment of this Act, issue regulations to establish a fee with respect to Federal onshore lands that are subject to a lease for production of oil, natural gas, or coal under which production is not occurring. Such fee shall apply with respect to lands that are subject to such a lease that is in effect on the date final regulations are promulgated under this subsection or that is issued thereafter.

(b) AMOUNT.—The amount of the fee shall be $1 per year for each acre of land that is not in production for that year.

(c) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee established under this section.

(d) DEPOSIT AND USE.—Amounts received by the United States in the form of the fee established under this section shall be available to the Secretary of the Interior for use to repair damage to Federal lands and resources caused by oil and gas development, in accordance with the the documents submitted by the President with the budget submission for fiscal year 2008 relating to the Healthy Lands Initiative. Amounts received by the United States as fees under this section shall be treated as offsetting receipts.

CHAPTER 4—WIND ENERGY

SEC. 7231. WIND TURBINE GUIDELINES ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary of the Interior, within 30 days after the date of enactment of this Act, shall convene or utilize an existing Wind Turbine Guidelines Advisory Committee to study and make recommendations to the Secretary on guidance for avoiding or minimizing impacts to wildlife and their habitats related to land-based wind energy facilities. The matters assessed by the Committee shall include the following:

(1) The Service Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines of 2003.

(2) Balancing potential impacts to wildlife with requirements for acquiring the information necessary to assess those impacts prior to selecting sites and designing facilities.

(3) The scientific tools and procedures best able to assess pre-development risk or benefits provided to wildlife, measure post-development mortality, assess behavioral modification, and provide compensatory mitigation for unavoidable impacts.

(4) A process for coordinating State, tribal, local, and national review and evaluation of the impacts to wildlife from wind energy consistent with State and Federal laws and international treaties.

(5) Determination of project size thresholds or impacts below which guidelines may not apply.

(6) Appropriate timetables for phasing-in guidance.

(7) Current State actions to avoid and minimize wildlife impacts from wind turbines in consultation with State wildlife agencies.

(b) COMMITTEE OPERATIONS.—The Wind Turbine Guidelines Advisory Committee shall conduct its activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.). The Secretary is authorized to provide such technical analyses and support as is requested by such advisory committee.

(c) COMMITTEE MEMBERSHIP.—The membership of the Wind Turbine Guidelines Advisory Committee shall not exceed 20 members, and shall be appointed by the Secretary of the Interior to achieve balanced representation of wind energy development, wildlife conservation, and government. The members shall include representatives from the United States Fish and Wildlife Service and other Federal agencies, and representatives from other interested persons, including States, tribes, wind energy development organizations, nongovernmental conservation organizations, and local regulatory or licensing commissions.

(d) REPORT.—The Wind Turbine Advisory Committee shall, within 18 months after the date of enactment of this Act, submit a report to Congress and the Secretary providing recommended guidance for developing effective measures to protect wildlife resources and enhance potential benefits to wildlife that may be identified.

(e) ISSUANCE OF GUIDANCE.—Not later than 6 months after receiving the report of the Wind Turbine Guidelines Advisory Committee under subsection (d), the Secretary shall following public notice and comment issue final guidance to avoid and minimize impacts to wildlife and their habitats related to land-based wind energy facilities. Such guidance shall be based upon the findings and recommendations made in the report.

SEC. 7232. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH TO STUDY WIND ENERGY IMPACTS ON WILDLIFE.

There is authorized to be appropriated to the Secretary of the Interior $2,000,000 for each of fiscal years 2008 through 2015 for new and ongoing research efforts to evaluate methods for minimizing wildlife impacts at wind energy projects and to explore effective mitigation methods that may be utilized for that purpose.

SEC. 7233. ENFORCEMENT.

The Secretary shall enforce the Endangered Species Act of 1973, the Migratory Bird Treaty Act, the Bald Eagle Protection Act, the Golden Eagle Protection Act, the Marine Mammal Protection Act of 1973, the National Environmental Policy Act of 1969, and any other relevant Federal law to address adverse wildlife impacts related to wind projects. Nothing in this section preempts State enforcement of applicable State laws.

SEC. 7234. SAVINGS CLAUSE.

Nothing in this chapter preempts any provision of State law or regulation relating to the siting of wind projects or to consideration or review of any environmental impacts of wind projects.

CHAPTER 5—ENHANCING ENERGY TRANSMISSION

SEC. 7241. POWER MARKETING ADMINISTRATIONS REPORT.

(a) ANALYSIS.—The Secretary of Energy, acting through the Administrator of the Bonneville Area Power Marketing Administration in consultation with the Western Area Power Marketing Administration, and in coordination with regional transmission entities, shall conduct, or participate with such regional transmission entities to conduct, an analysis of the existing capacity of transmission systems serving the States of California, Oregon, and Washington to determine whether the existing capacity is adequate to accommodate and integrate development and commercial operation of ocean wave, tidal, and current energy projects in State and Federal marine waters adjacent to those States.

(b) REPORT.—Based on the analysis conducted under subsection (a), the Secretary of Energy shall prepare and provide to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate, not later than one year after the date of enactment of this Act, a report identifying changes required, if any, in the capacity of existing transmission systems serving the States referred to in subsection (a) in order to reliably and efficiently accommodate and integrate generation from commercial ocean wave, tidal, and current energy projects in aggregate, escalating amounts equal to 2.5, 5, and 10 percent of the current electrical energy consumption in those States.

(c) ACTIVITIES NONREIMBURSABLE.—Activities carried out under subsection (a) or (b) shall be nonreimbursable.

(d) EXISTING PROCEDURES AND QUEUING NOT AFFECTED.—Nothing in this section supercedes existing procedures and queuing pursuant to the appropriate Open Access Transmission Tariffs filed by the Administrators of the Bonneville and Western Area Power Administrations.

Subtitle C—Alternative Energy and Efficiency

SEC. 7301. STATE OCEAN AND COASTAL ALTERNATIVE ENERGY PLANNING.

(a) IN GENERAL.—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 306A the following:

''OCEAN AND COASTAL ALTERNATIVE ENERGY STATE SURVEYS; ALTERNATIVE ENERGY SITE IDENTIFICATION AND PLANNING

''SEC. 306B. (a) GRANTS TO STATES.—The Secretary may make grants to eligible coastal States to support voluntary State efforts to initiate and complete surveys of portions of coastal State waters and Federal waters adjacent to a State's coastal zone, in consultation with the Minerals Management Service, to identify potential areas suitable or unsuitable for the exploration, development, and production of alternative energy that are consistent with the enforceable policies of coastal management plans approved pursuant to section 306(d).

''(b) SURVEY ELEMENTS.—Surveys developed with grants under this section may include, but not be limited to—

''(1) hydrographic and bathymetric surveys;

''(2) oceanographic observations and measurements of the physical ocean environment, especially seismically active areas;

''(3) identification and characterization of significant or sensitive marine ecosystems or other areas possessing important conservation, recreational, ecological, historic, or aesthetic values;

''(4) surveys of existing marine uses in the outer Continental Shelf and identification of potential conflicts;

''(5) inventories and surveys of shore locations and infrastructure capable of supporting alternative energy development;

''(6) inventories and surveys of offshore locations and infrastructure capable of supporting alternative energy development; and

''(7) other actions as may be necessary.

''(c) PARTICIPATION AND COOPERATION.—To the extent practicable, coastal States shall provide opportunity for the participation in surveys under this section by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties and stakeholders, public and private, that is adequate to develop a comprehensive survey.

''(d) GUIDELINES.—The Secretary shall, within 180 days after the date of enactment of this section and after consultation with the coastal States, publish guidelines for the application for and use of grants under this section.

''(e) ANNUAL GRANTS.—For each of fiscal years 2008 through 2011, the Secretary may make a grant to a coastal State under this section if the coastal State demonstrates to the satisfaction of the Secretary that the grant will be used to develop an alternative energy survey consistent with the requirements set forth in this section.

''(f) GRANT AMOUNTS.—The amount of any grant under this section shall not exceed $750,000 for any fiscal year.

''(g) STATE MATCH.—

''(1) BEFORE FISCAL YEAR 2010.—The Secretary shall not require any State matching fund contribution for grants awarded under this section for any fiscal year before fiscal year 2010.

''(2) AFTER FISCAL YEAR 2010.—The Secretary shall require a coastal State to provide a matching fund contribution for a grant under this section for surveys of a State's coastal waters, according to—

''(A) a 2-to-1 ratio of Federal-to-State contributions for fiscal year 2010; and

''(B) a 1-to-1 ratio of Federal-to-State contributions for fiscal year 2011.

''(3) LIMITATION.—The Secretary shall not require any matching funds for surveys of Federal waters adjacent to a State's coastal zone.

''(h) SECRETARIAL REVIEW.—After an initial grant is made to a coastal State under this section, no subsequent grant may be made to that coastal State under this section unless the Secretary finds that the coastal State is satisfactorily developing its survey.

''(i) LIMITATION ON ELIGIBILITY.—No coastal State is eligible to receive grants under this section for more than 4 fiscal years.

''(j) APPLICABILITY.—This section and the surveys conducted with assistance under this section shall not be construed to convey any new authority to any coastal State, or repeal or supersede any existing authority of any Federal agency, to regulate the siting, licensing, leasing, or permitting of alternative energy facilities in areas of the outer Continental Shelf under the administration of the Federal Government. Nothing in this section repeals or supersedes any existing coastal State authority pursuant to State or Federal law.

''(k) PRIORITY.—Any area that is identified as suitable for potential alternative energy development under surveys developed with assistance under this section shall be given priority consideration by Federal agencies for the siting, licensing, leasing, or permitting of alternative energy facilities. Any area that is identified as unsuitable under surveys developed with assistance under this section shall be avoided by Federal agencies to the maximum extent practicable.

''(l) ASSISTANCE BY THE SECRETARY.—The Secretary shall—

''(1) under section 307(a) and to the extent practicable, make available to coastal States

the resources and capabilities of the National Oceanic and Atmospheric Administration to provide technical assistance to the coastal States to develop surveys under this section; and

''(2) encourage other Federal agencies with relevant expertise to participate in providing technical assistance under this subsection.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is amended—

(1) in paragraph (1)(C) by striking ''and'' after the semicolon;

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

(3) by adding at the end the following:

''(3) for grants under section 306B such sums as are necessary; and''.

SEC. 7302. CANAL-SIDE POWER PRODUCTION AT BUREAU OF RECLAMATION PROJECTS.

(a) EVALUATION AND REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall complete an evaluation and report to Congress on the potential for developing rights-of-way along Bureau of Reclamation canals and infrastructure for solar or wind energy production through leasing of lands or other means. The report to Congress shall specify—

(1) location of potential rights-of-way for energy production;

(2) total acreage available for energy production;

(3) existing transmission infrastructure at sites;

(4) estimates of fair market leasing value of potential energy sites; and

(5) estimate energy development potential at sites.

(b) CONSULTATION.—In carrying out this section the Secretary of the Interior shall consult with persons that would be affected by development of rights-of-ways referred to in subsection (a), including the beneficiaries of the canal and infrastructure evaluated under that subsection.

(c) LIMITATIONS.—Nothing in this section—

(1) shall be construed to authorize the Bureau of Reclamation or any contractor hired by the Bureau of Reclamation to inventory or access rights-of-way owned or operated and maintained by non-Federal interests, unless such interests provide written permission for such inventory or an agreement or contract governing Federal access is in effect;

(2) shall be construed to impede accessibility, impair project operations and maintenance, or create additional costs for entities managing the rights-of-way; or

(3) shall be used as the basis of an increase in project-use power or preference power costs that will be borne by the consumer.

SEC. 7303. INCREASING ENERGY EFFICIENCIES FOR WATER DESALINATION.

The Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following new section:

''SEC. 10. RESEARCH ON REVERSE OSMOSIS TECHNOLOGY FOR WATER DESALINATION AND WATER RECYCLING.

''(a) RESEARCH PROGRAM.—The Secretary of the Interior, in consultation with the Secretary of Energy, shall implement a program to research methods for improving the energy efficiency of reverse osmosis technology for water desalination, water contamination, and water recycling.

''(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a report which shall include—

''(1) a review of existing and emerging technologies, both domestic and international, that are likely to improve energy efficiency or utilize renewable energy sources at existing and future desalination and recycling facilities; and

''(2) an analysis of the economic viability of energy efficiency technologies.''.

SEC. 7304. ESTABLISHING A PILOT PROGRAM FOR THE DEVELOPMENT OF STRATEGIC SOLAR RESERVES ON FEDERAL LANDS.

(a) PURPOSE.—The purpose of this section is to establish a pilot program for the development of strategic solar reserves on Federal lands for the advancement, development, assessment, and installation of commercial solar electric energy systems.

(b) STRATEGIC SOLAR RESERVE PILOT PROGRAM.—

(1) SITE SELECTION.—The Secretary of the Interior, in consultation with the Secretary of Energy, the Secretary of Defense, and the Federal Energy Regulatory Commission, States, tribal, or local units of governments, as appropriate, affected utility industries, and other interested persons, shall complete the following:

(A) Identify Federal lands under the jurisdiction of the Bureau of Land Management, subject to valid existing rights, that are suitable and feasible for the installation of solar electric energy systems sufficient to create a solar energy reserve of no less than 4 GW and no more than 25 GW.

(B) Perform any environmental reviews that may be required to complete the designation of such solar reserves.

(C) Incorporate the designated solar reserves into the relevant agency land use and resource management plans or equivalent plans.

(D) Identify the needed transmission upgrades to the solar reserves.

(2) MINIMUM POWER OF SITES.—Each site identified as suitable and feasible for the installation of solar electric energy systems shall be sufficient for the installation of at least 1 GW.

(3) LANDS NOT INCLUDED.—The following Federal lands shall not be included within a strategic solar reserve site:

(A) Components of the National Landscape Conservation System.

(B) Areas of Critical Environmental Concern.

(4) IMPLEMENTATION OF THE PILOT PROGRAM FOR STRATEGIC SOLAR RESERVES.—

(A) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Energy and following the completion of the requirements under paragraph (1)(B), shall expeditiously implement a strategic solar reserve pilot program in order to issue rights-of-way on land identified under paragraph (1)(A) to produce no less than 4 GW and no more than 25 GW of solar electric power from that land.

(B) CRITERIA FOR APPLICATIONS.—The Secretary of the Interior, in consultation with the Secretary of Energy, shall establish criteria for approving applications to obtain rights-of-way on land under this paragraph based, in part, on the proposed solar electric energy technologies proposed to be used on such rights-of-way.

(C) VARIETY OF TECHNOLOGIES.—The Secretary of the Interior, in consultation with the Secretary of Energy, shall provide for a variety of solar electric energy technologies to be used on rights-of-way on land under this paragraph.

(D) MILESTONES.—The Secretary of the Interior, in consultation with the Secretary of Energy, shall develop milestones for activities on rights-of-way on land under this paragraph to ensure due diligence in the development of such land.

(5) ENVIRONMENTAL COMPLIANCE.—The Secretary of the Interior shall complete all necessary environmental surveys, compliance, and permitting for rights-of-way pursuant to title V of the Federal Land Policy and Management Act of 1976 for each strategic solar reserve, as expeditiously as possible. Each applicant shall pay all costs of environmental compliance, including when a determination is made that the land that is the subject of the application is not suitable and feasible for installation or the bid is withdrawn following the initiation of such environmental compliance.

(6) PERMITS.—The Secretary of the Interior shall ensure that all strategic solar reserve installations pursuant to this section are permitted using an expedited permitting process. The Secretary shall, in consultation with the Secretary of Energy, complete the preparation of a Programmatic Environmental Impact Statement by the Departments of Energy and the Interior for purposes of this section.

(7) RENTAL FEE; RIGHT-OF-WAY TERM.—

(A) RENTAL FEE.—The rental fee for each strategic solar reserve right-of-way under this subsection shall be in the amount of $300 per acre per year for the initial 10-year period, except that the rental fee shall be phased-in for a right-of-way during the initial 3 years after the signing of the right-of-way authorization. For the first year the rental fee shall be 25 percent of that amount. For the second year the rental fee shall be 50 percent of that amount. For the third year and each year thereafter the fee shall be 100 percent of that amount, except that the rental fee after the initial 10-year period shall be adjusted by the Secretary of the Interior according to the Gross Domestic Product Implicit Price Deflator each year for the remainder of the term of the right-of-way authorization. The rental fee shall be paid in annual payments commencing on the day the right-of-way authorization is signed. The rental fee established by this paragraph shall apply to all solar electric projects that have pending applications with the Bureau of Land Management as of June 1, 2007.

(B) TERM.—Each right-of-way authorization shall be effective for an initial term of 30 years. Such term may be extended by the Secretary of the Interior for periods of 10 years.

(8) REPORT TO CONGRESS.—The Secretary of the Interior, in consultation with the Secretary of Energy, shall submit a report to Congress on the findings of the pilot program—

(A) not later than 3 years after the installation of the first facility pursuant to this section; and

(B) 10 years after the installation of the first facility pursuant to this section.

(c) BUY AMERICAN ACT.—Beginning 3 years after the date of enactment of this Act, any equipment used on lands included within a strategic solar reserve site must be American-made, as that term is used in the Buy American Act (41 U.S.C. 10a et seq.).

(d) SUNSET.—Except as provided in subsection (b)(7), the authorities contained in this section shall expire 10 years after the date of the enactment of this Act.

SEC. 7305. OTEC REGULATIONS.

The Administrator of the National Oceanic and Atmospheric Administration shall, within two years after the date of enactment of this Act, issue regulations necessary to implement the Administrator's authority to license offshore thermal energy conversion facilities under the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9001 et seq.).

SEC. 7306. BIOMASS UTILIZATION PILOT PROGRAM.

(a) REPLACEMENT OF CURRENT GRANT PROGRAM.—Section 210 of the Energy Policy Act of 2005 (42 U.S.C. 15855) is amended to read as follows:

"SEC. 210. BIOMASS UTILIZATION PILOT PROGRAM.

''(a) FINDINGS.—Congress finds the following:

''(1) The supply of woody biomass for energy production is directly linked to forest management planning to a degree far greater than in the case of other types of energy development.

''(2) As a consequence of this linkage, the process of developing and evaluating appropriate technologies and facilities for woody biomass energy and utilization must be integrated with long-term forest management planning processes, particularly in situations where Federal lands dominate the forested landscape.

''(b) BIOMASS DEFINITION FOR FEDERAL FOREST LANDS.—In this section, with respect to organic material removed from National Forest System lands or from public lands administered by the Secretary of the Interior, the term 'biomass' covers only organic material from—

''(1) ecological forest restoration;

''(2) small-diameter byproducts of hazardous fuels treatments;

''(3) pre-commercial thinnings;

''(4) brush;

''(5) mill residues; and

''(6) slash.

''(c) PILOT PROGRAM.—The Secretary of Agriculture and the Secretary of the Interior shall establish a pilot program, to be known as the 'Biomass Utilization Pilot Program', involving 10 different forest types on Federal lands, under which the Secretary concerned will provide technical assistance and grants to persons to support the following biomass-related activities:

''(1) The development of biomass utilization infrastructure to support hazardous fuel reduction and ecological forest restoration.

''(2) The research and implementation of integrated facilities that seek to utilize woody biomass for its highest and best uses, with particular emphasis on projects that are linked to implementing community wildfire protection plans, ecological forest restoration, and economic development in rural communities.

''(3) The testing of multiple technologies and approaches to biomass utilization for energy, with emphasis on improving energy efficiency, developing thermal applications and distributed heat, biofuels, and achieving cleaner emissions including through combustion with other fuels, as well as other value-added uses.

''(d) BIOMASS SUPPLY STUDY.—Prior to the development of any biomass utilization pilot projects, the Secretary concerned shall develop a study to determine the long-term, ecologically sustainable, biomass supply available in the pilot program area. The study shall incorporate results form coordinated resource offering protocol (CROP) studies. The study shall also analyze the long-term availability of biomass materials within a reasonable transportation distance. The biomass supply studies shall be developed through a collaborative approach, as evidenced by the broad involvement, analysis, and agreement of interested persons, including local governments, energy developers, conservationists, and land management agencies. The Secretary concerned may direct a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), and reauthorized by the amendments made by Public Law 110–28, to carry out the requirements of this subsection. The results of the biomass supply study shall be a basis for determining the project scale, as outlined in subsection (g).

''(e) EXCLUSION OF CERTAIN FEDERAL LAND.—The following Federal lands may not be included within a pilot project site:

''(1) Federal land containing old-growth forest or late-successional forest, unless the Secretary concerned determines that the pilot project on such land is appropriate for the applicable forest type and maximizes and enhances the retention of late-successional and large- and old-growth trees, late-successional and old-growth forest structure, and late-successional and old-growth forest composition.

''(2) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(3) Wilderness Study Areas.

''(4) Inventoried roadless areas.

''(5) Components of the National Landscape Conservation System.

''(6) National Monuments.

''(f) MULTIPLE PROJECTS.—In conducting the pilot program, the Secretary concerned shall include a variety of projects involving—

''(1) innovations in facilities of various sizes and processing techniques; and

''(2) the full spectrum of woody biomass producing regions of the United States.

''(g) SELECTION CRITERIA AND PROJECT SCALE.—In selecting the projects to be conducted under the pilot program, and the appropriate scale of projects, the Secretary concerned shall consider criteria that evaluate existing economic, ecological, and social conditions, focusing on opportunities such as workforce training, job creation, ecosystem health, reducing energy costs, and facilitating the production of alternative energy fuels. The agreement on the scale of a project shall be reached through a collaborative approach, as evidenced by the broad involvement, analysis, and agreement of interested persons, including local governments, energy developers, conservationists, and land management agencies. In selecting the appropriate scale of projects to be conducted under the pilot program, the Secretary concerned shall also consider the results of the supply study as outlined in subsection (d).

''(h) MONITORING AND REPORTING REQUIREMENTS.—As part of the pilot program, the Secretary concerned shall impose monitoring and reporting requirements to ensure that the ecological, social, and economic effects of the projects conducted under the pilot program are being monitored and that the accomplishments, challenges, and lessons of each project are recorded and reported.

''(i) OTHER DEFINITIONS.—In this section:

''(1) HIGHEST AND BEST USE.—The term 'highest and best use', with regard to biomass, means—

''(A) creating from raw materials those products and those biomass uses that will achieve the highest market value; and

''(B) yielding a wide range of existing and innovative products and biomass uses that create new markets, stimulate existing ones, and improve rural economies, maintains or improves ecosystem integrity, while also supporting traditional biomass energy generation.

''(2) PILOT PROGRAM.—The term 'pilot program' means the Biomass Utilization Pilot Program established pursuant to this section.

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means the Secretary of Agriculture, with respect to National Forest System lands, and the Secretary of the Interior, with respect to public lands administered by the Secretary of the Interior.

''(4) COMMUNITY WILDFIRE PROTECTION PLAN.—The term 'community wildfire protection plan' has the meaning given that term in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3)), which is further described by the Western Governors Association in the document entitled 'Preparing a Community Wildfire Protection Plan: A Handbook for Wildland-Interface Communities' and dated March 2004.

''(5) FEDERAL LAND.—The term 'Federal land' means—

''(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

''(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

''(6) INVENTORIED ROADLESS AREA.—The term 'Inventoried roadless area' means one of the areas identified in the set of inventoried roadless areas maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the pilot program.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 210 and inserting the following new item:

''Sec. 210. Biomass utilization pilot program.''.

SEC. 7307. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

Subtitle D—Carbon Capture and Climate Change Mitigation

CHAPTER 1—GEOLOGICAL SEQUESTRATION ASSESSMENT

SEC. 7401. SHORT TITLE.

This chapter may be cited as the ''National Carbon Dioxide Storage Capacity Assessment Act of 2007''.

SEC. 7402. NATIONAL ASSESSMENT.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term ''risk'' includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term ''storage formation'' means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy in April 2006.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this section to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy shall incorporate the results of the assessment using the NatCarb database, to the maximum extent practicable.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

CHAPTER 2—TERRESTRIAL SEQUESTRATION ASSESSMENT

SEC. 7421. REQUIREMENT TO CONDUCT AN ASSESSMENT.

(a) IN GENERAL.—The Secretary of the Interior, acting through the United States Geological Survey, shall—

(1) conduct an assessment of the amount of carbon stored in terrestrial, aquatic, and coastal ecosystems (including estuaries);

(2) determine the processes that control the flux of carbon in and out of each ecosystem;

(3) estimate the potential for increasing carbon sequestration in natural systems through management measures or restoration activities in each ecosystem; and

(4) develop near-term and long-term adaptation strategies that can be employed to enhance the sequestration of carbon in each ecosystem.

(b) USE OF NATIVE PLANT SPECIES.—In developing management measures, restoration activities, or adaptation strategies, the Secretary shall emphasize the use of native plant species for each ecosystem.

(c) CONSULTATION.—The Secretary shall develop the methodology and conduct the assessment in consultation with the Secretary of Energy, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant agencies.

SEC. 7422. METHODOLOGY.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(b) PUBLICATION OF PROPOSED METHODOLOGY; COMMENT.—Upon completion of a proposed methodology, the Secretary shall publish the proposed methodology and solicit comments from the public and heads of affected Federal and State agencies for 60 days before publishing a final methodology.

SEC. 7423. COMPLETION OF ASSESSMENT AND REPORT.

The Secretary shall—

(1) complete the national assessment within 3 years after publication of the final methodology under section 7422; and

(2) submit a report describing the results of the assessment to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources within 180 days after the assessment is completed.

SEC. 7424. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this chapter $15,000,000 for the period of fiscal years 2008 through 2012.

CHAPTER 3—SEQUESTRATION ACTIVITIES

SEC. 7431. CARBON DIOXIDE STORAGE INVENTORY.

Section 354 of the Energy Policy Act of 2005 (42 U.S.C. 15910) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

''(d) RECORDS AND INVENTORY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall maintain records on and an inventory of the amount of carbon dioxide stored from Federal energy leases.''.

SEC. 7432. FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON FEDERAL LANDS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on a recommended regulatory and certification framework for conducting geological carbon sequestration activities on Federal lands. The Secretary shall identify a lead agency within the Department of the Interior to develop this framework. One of the goals of the framework shall be to identify what actions need to be taken in order to allow for commercial-scale geological carbon sequestration activities to be undertaken on Federal lands as expeditiously as possible.

CHAPTER 4—NATURAL RESOURCES AND WILDLIFE PROGRAMS

Subchapter A—Natural Resources Management and Climate Change

SEC. 7441. NATURAL RESOURCES MANAGEMENT COUNCIL ON CLIMATE CHANGE.

(a) ESTABLISHMENT.—The Secretary of the Interior shall establish a National Resources Management Council on Climate Change to address the impacts of climate change on Federal lands, the ocean environment, and the Federal water infrastructure. The Council shall include the head of each of the following agencies:

(1) The Bureau of Land Management.

(2) The National Park Service.

(3) United States Geological Survey.

(4) The United States Fish and Wildlife Service.

(5) The Forest Service.

(6) The Bureau of Reclamation.

(7) The Council on Environmental Quality.

(8) The Minerals Management Service.

(9) The Office of Surface Mining Reclamation and Enforcement.

(b) PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit a plan to Congress describing what the agencies listed in subsection (a) shall do both individually and cooperatively to accomplish the following:

(1) Working in cooperation with the United States Geological Survey, develop an interagency inventory and Geographic Information System database of United States ecosystems, water supplies, and water infrastructure vulnerable to climate change.

(2) Manage land, water, and ocean resources in a manner that takes into account projected climate change impacts, including but not limited to, prolonged periods of drought and changing hydrology.

(3) Develop consistent protocols to incorporate climate change impacts in land and water management decisions across land and water resources under the jurisdiction of those agencies listed in subsection (a).

(4) Incorporate the most current, peer-reviewed science on climate change and the economic, social, and ecological impacts of climate change into the decision making process of those agencies listed in subsection (a).

(c) COORDINATION.—The activities of the Natural Resources Management Council on Climate Change shall be coordinated with the activities of the United States Global Change Research Program.

Subchapter B—National Policy and Strategy for Wildlife

SEC. 7451. SHORT TITLE.

This subchapter may be cited as the ''Global Warming Wildlife Survival Act''.

SEC. 7452. NATIONAL POLICY ON WILDLIFE AND GLOBAL WARMING.

It is the policy of the Federal Government, in cooperation with State, tribal, and affected local governments, other concerned public and private organizations, landowners, and citizens to use all practicable means and measures—

(1) to assist wildlife populations and their habitats in adapting to and surviving the effects of global warming; and

(2) to ensure the persistence and resilience of the wildlife of the United States, together with its habitat, as an essential part of our Nation's culture, landscape, and natural resources.

SEC. 7453. DEFINITIONS.

In this chapter:

(1) ECOLOGICAL PROCESSES.—The term ''ecological processes'' means the biological, chemical, and physical interactions between the biotic and abiotic components of ecosystems, including nutrient cycling, pollination, predator-prey relationships, soil formation, gene flow, hydrologic cycling, decomposition, and disturbance regimes such as fire and flooding.

(2) HABITAT LINKAGES.—The term ''habitat linkages'' means areas that connect wildlife habitat or potential wildlife habitat, and that facilitate the ability of wildlife to move within a landscape in response to the effects of global warming.

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

(4) WILDLIFE.—The term ''wildlife'' means—

(A) any species of wild, free-ranging fauna, including fish and other aquatic species; and

(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.

(5) HABITAT.—The term ''habitat'' means the physical, chemical, and biological properties that are used by wildlife for growth, reproduction, and survival, including aquatic and terrestrial plant communities, food, water, cover, and space, on a tract of land, in a body of water, or in an area or region.

SEC. 7454. NATIONAL STRATEGY.

(a) REQUIREMENT.—

(1) IN GENERAL.—The Secretary shall, within two years after the date of the enactment of this Act, on the basis of the best available science as provided by the science advisory board under section 7455, and in cooperation with State fish and wildlife agencies and Indian tribes, promulgate a national strategy for assisting wildlife populations and their habitats in adapting to the impacts of global warming.

(2) CONSULTATION AND COMMENT.—In developing the national strategy, the Secretary shall—

(A) consult with the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, local governments, conservation organizations, scientists, and other interested stakeholders; and

(B) provide opportunity for public comment.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary shall include in the national strategy prioritized goals and measures to—

(A) identify and monitor wildlife populations, including game species, likely to be adversely affected by global warming, with particular emphasis on wildlife populations at greatest need for conservation;

(B) identify and monitor coastal, marine, terrestrial, and freshwater habitat at greatest risk of being damaged by global warming;

(C) assist species in adapting to the impacts of global warming;

(D) protect, acquire, and restore wildlife habitat to build resilience to global warming;

(E) provide habitat linkages and corridors to facilitate wildlife movements in response to global warming;

(F) restore and protect ecological processes that sustain wildlife populations vulnerable to global warming; and

(G) incorporate consideration of climate change in, and integrate climate change adaptation strategies for wildlife and its habitat into, the planning and management of Federal lands administered by the Department of the Interior and lands administered by the Forest Service.

(2) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the Secretary shall to the maximum extent practicable—

(A) take into consideration research and information in State comprehensive wildlife conservation plans, the North American Waterfowl Management Plan, the National Fish Habitat Action Plan, and other relevant plans; and

(B) coordinate and integrate, to the extent consistent with the policy set forth in section 7452, the goals and measures identified in the national strategy with goals and measures identified in such plans.

(c) REVISION.—The Secretary shall revise the national strategy not later than five years after its initial promulgation, and not later than every ten years thereafter, to reflect new information on the impacts of global warming on wildlife and its habitat and advances in the development of strategies for adapting to or mitigating for such impacts.

(d) IMPLEMENTATION.—

(1) IMPLEMENTATION ON FEDERAL LAND SYSTEMS.—To achieve the goals of the national strategy and to implement measures for the conservation of wildlife and its habitat identified in the national strategy—

(A) the Secretary of the Interior shall exercise the authority of such Secretary under this title and other laws within the Secretary's jurisdiction pertaining to the administration of lands; and

(B) the Secretary of Agriculture shall exercise the authority of such Secretary under this title and other laws within the Secretary's jurisdiction pertaining to the administration of lands.

(2) WILDLIFE CONSERVATION PROGRAMS.—To the maximum extent practicable, the Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall utilize their authorities under other laws to achieve the goals of the national strategy.

(e) LIMITATION ON EFFECT.—Nothing in this section creates new authority or expands existing authority for the Secretary to regulate the uses of private property.

SEC. 7455. ADVISORY BOARD.

(a) SCIENCE ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish and appoint the members of a science advisory board comprised of not less than 10 and not more than 20 members recommended by the President of the National Academy of Sciences with expertise in wildlife biology, ecology, climate change and other relevant disciplines. The director of the National Global Warming and Wildlife Science Center established under subsection (b) shall be an ex officio member of the science advisory board.

(2) FUNCTIONS.—The science advisory board shall—

(A) provide scientific and technical advice and recommendations to the Secretary on the impacts of global warming on wildlife and its habitat, areas of habitat of particular importance for the conservation of wildlife populations affected by global warming, and strategies and mechanisms to assist wildlife populations and their habitats in adapting to the impacts of global warming in the management of Federal lands and in other Federal programs for wildlife conservation;

(B) advise the National Global Warming and Wildlife Science Center established under subsection (b) and review the quality of the research programs of the Center; and

(C) advise the Secretary regarding the best science available for purposes of developing and revising the national strategy under section 7454.

(3) PUBLIC AVAILABILITY.—The advice and recommendations of the science advisory board shall be available to the public.

(b) NATIONAL GLOBAL WARMING AND WILDLIFE SCIENCE CENTER.—

(1) IN GENERAL.—The Secretary shall establish the National Global Warming and Wildlife Science Center within the United States Geological Survey.

(2) FUNCTIONS.—The National Global Warming and Wildlife Science Center shall—

(A) conduct scientific research on national issues related to the impacts of global warming on wildlife and its habitat and mechanisms for adaptation to, mitigation of, or prevention of such impacts;

(B) consult with and advise Federal land management agencies and Federal wildlife agencies regarding the impacts of global warming on wildlife and its habitat and mechanisms for adaptation to or mitigation of such impacts, and the incorporation of information regarding such impacts and the adoption of mechanisms for adaptation or mitigation of such impacts in the management and planning for Federal lands and in the administration of Federal wildlife programs; and

(C) consult, and to the maximum extent practicable, collaborate with State and local agencies, universities, and other public and private entities regarding their research, monitoring, and other efforts to address the impacts of global warming on wildlife and its habitat.

(3) INTEGRATION WITH OTHER FEDERAL ACTIVITIES.—The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall ensure that research and other activities carried out pursuant to this section are integrated with climate change program research and activities carried out pursuant to other Federal law.

(c) DETECTION OF CHANGES.—The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall each exercise authorities under other laws to carry out programs to detect changes in wildlife abundance, distribution, and behavior related to global warming, including—

(1) conducting species inventories on Federal lands and in marine areas within the exclusive economic zone of the United States; and

(2) establishing and implementing robust, coordinated monitoring programs.

SEC. 7456. AUTHORIZATION OF APPROPRIATIONS.

(a) IMPLEMENTATION OF NATIONAL STRATEGY.—Of the amounts appropriated to carry out this subchapter for each fiscal year—

(1) 45 percent are authorized to be made available to Federal agencies to develop and implement the national strategy promulgated under section 7454 in the administration of the Federal land systems, of which—

(A) 35 percent shall be allocated to the Department of the Interior to—

(i) operate the National Global Warming and Wildlife Science Center established under section 7455; and

(ii) carry out the policy set forth in section 7452 and implement the national strategy in the administration of the National Park System the National Wildlife Refuge System, and on the Bureau of Land Management's public lands; and

(B) 10 percent shall be allocated to the Department of Agriculture to carry out the policy set forth in section 7452 and implement the national strategy in the administration of the National Forest System;

(2) 25 percent are authorized to be made available to Federal agencies to carry out the policy set forth in section 7452 and to implement the national strategy through fish and wildlife programs, other than for the operation and maintenance of Federal lands, of which—

(A) 10 percent shall be allocated to the Department of the Interior to fund endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service, other than operations and maintenance of the national wildlife refuges; and

(B) 15 percent shall be allocated to the Department of the Interior for implementation of cooperative grant programs benefitting wildlife including the Cooperative Endangered Species Fund, Private Stewardship Grants, the North American Wetlands Conservation Act, the Multinational Species Conservation Fund, the Neotropical Migratory Bird Conservation Fund, and the National Fish Habitat Action Plan, and used for activities that assist wildlife and its habitat in adapting to the impacts of global warming; and

(3) 30 percent are authorized to be made available for grants to States and Indian tribes through the State and tribal wildlife grants program authorized under section 7461, to—

(A) carry out activities that assist wildlife and its habitat in adapting to the impacts of global warming in accordance with State comprehensive wildlife conservation plans developed and approved under that program; and

(B) revise or supplement existing State comprehensive wildlife conservation plans as necessary to include specific strategies for assisting wildlife and its habitat in adapting to the impacts of global warming.

(b) AVAILABILITY.—

(1) IN GENERAL.—Funding is authorized to be made available to States and Indian tribes pursuant to this section subject to paragraphs (2) and (3).

(2) INITIAL 5-YEAR PERIOD.—During the 5-year period beginning on the effective date of this title, a State shall not be eligible to receive such funding unless the head of the State's wildlife agency has—

(A) approved, and provided to the Secretary, an explicit strategy to assist wildlife populations in adapting to the impacts of global warming; and

(B) incorporated such strategy as a supplement to the State's comprehensive wildlife conservation plan.

(3) SUBSEQUENT PERIOD.—After such 5-year period, a State shall not be eligible to receive such funding unless the State has submitted to the Secretary, and the Secretary has approved, a revision to its comprehensive wildlife conservation plan that—

(A) describes the impacts of global warming on the diversity and health of the State's wildlife populations and their habitat;

(B) describes and prioritizes proposed conservation actions to assist wildlife populations in adapting to such impacts;

(C) establishes programs for monitoring the impacts of global warming on wildlife populations and their habitats; and

(D) establishes methods for assessing the effectiveness of conservation actions taken to assist wildlife populations in adapting to such impacts and for adapting such actions to respond appropriately to new information or changing conditions.

(c) INTENT OF CONGRESS.—It is the intent of Congress that funding provided to Federal agencies and States pursuant to this subchapter supplement, and not replace, existing sources of funding for wildlife conservation.

Subchapter C—State and Tribal Wildlife Grants Program

SEC. 7461. STATE AND TRIBAL WILDLIFE GRANTS PROGRAM.

(a) AUTHORIZATION OF PROGRAM.—There is authorized to be established a State and Tribal Wildlife Grants Program to be administered by the Secretary of the Interior and to provide wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes for the planning, development, and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section for each fiscal year—

(A) 10 percent shall be for a competitive grant program for Indian tribes that are not subject to the remaining provisions of this section;

(B) of the amounts remaining after the application of subparagraph (A), and after the deduction of the Secretary's administrative expenses to carry out this section—

(i) not more than one-half of 1 percent shall be allocated to each of the District of Columbia and to the Common wealth of Puerto Rico; and

(ii) not more than one-fourth of 1 percent shall be allocated to each of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands; and

(C) of the amount remaining after the application of subparagraphs (B) and (C), the secretary shall apportion among the States—

(i) one-third based on the ratio that the land area of each State bears to the total land area of all States; and

(ii) two-thirds based on the ratio that the population of each State bears to the total population of all States.

(2) ADJUSTMENTS.—The amounts apportioned under subparagraph (C) of paragraph (1) for a fiscal year shall be adjusted equitably so that no State is apportioned under such subparagraph a sum that is—

(A) less than 1 percent of the amount available for apportionment under that subparagraph that fiscal year; or

(B) more than 5 percent of such amount.

(c) COST SHARING.—

(1) PLAN DEVELOPMENT GRANTS.—The Federal share of the costs of developing or revising a comprehensive wildlife conservation plan shall not exceed 75 percent of the total costs of developing or revising such plan.

(2) PLAN IMPLEMENTATION GRANTS.—The Federal share of the costs of implementing an activity in an approved comprehensive wildlife conservation plan carried out with a grant under this section shall not exceed 50 percent of the total costs of such activities.

(3) PROHIBITION ON USE OF FEDERAL FUNDS.—The non-Federal share of costs of an activity carried out under this section shall not be paid with amounts derived from any Federal grant program.

(d) REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—No State, territory, or other jurisdiction shall be eligible for a grant under this section unless it submits to the Secretary a comprehensive wildlife conservation plan that—

(A) complies with paragraph (2); and

(B) considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species.

(2) CONTENTS.—The comprehensive wildlife conservation plan must contain—

(A) information on the distribution and abundance of species of wildlife, including low and declining populations as the State, territory, or other jurisdiction's fish and wildlife agency considers appropriate, that are indicative of the diversity and health of the jurisdiction's wildlife;

(B) the location and relative condition of key habitats and community types essential to conservation of species identified in subparagraph (A);

(C) descriptions of problems which may adversely affect species identified in subparagraph (A) or their habitats, and priority research and survey efforts needed to identify factors that may assist in restoration and improved conservation of these species and habitats;

(D) descriptions of conservation actions proposed to conserve the identified species and habitats and priorities for implementing such actions;

(E) proposed plans for monitoring species identified in subparagraph (A) and their habitats, for monitoring the effectiveness of the conservation actions proposed in subparagraph (D), and for adapting these conservation actions to respond appropriately to new information or changing conditions;

(F) descriptions of procedures to review the comprehensive wildlife conservation plan at intervals not to exceed ten years;

(G) plans for coordinating the development, implementation, review, and revision of the comprehensive wildlife conservation plan with Federal, State, and local agencies and Indian tribes that manage significant land and water areas within the jurisdiction

or administer programs that significantly affect the conservation of identified species and habitats; and

(H) provisions for broad public participation as an essential element of the development, revision, and implementation of the comprehensive wildlife conservation plan.

(e) SAVINGS CLAUSE.—State comprehensive wildlife strategies approved by the Secretary pursuant to previous congressional authorizations and appropriations Acts shall remain in effect until such strategies expire or are revised in accordance with their terms. Except as specified in section 7456(b) with respect to funds made available under such section, conservation and education activities conducted or proposed to be conducted pursuant to such previously approved strategies shall remain authorized.

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

CHAPTER 5—OCEAN PROGRAMS

SEC. 7471. OCEAN POLICY, GLOBAL WARMING, AND ACIDIFICATION PROGRAM.

(a) DEVELOPMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Commerce, shall, within two years after the date of enactment of this Act, and on the basis of the best available science, develop and implement a national strategy using existing authorities and the authority provided in this section to support coastal State and Federal agency efforts to—

(A) predict, plan for, and mitigate the impacts on ocean and coastal ecosystems from global warming, relative sea level rise and ocean acidification; and

(B) ensure the recovery, resiliency, and health of ocean and coastal ecosystems.

(2) CONSULTATION AND COMMENT.—Before and during the development of the national strategy, the Secretary shall—

(A) consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Regional Fishery Management Councils, coastal States, Indian tribes, local governments, conservation organizations, scientists, and other interested stakeholders; and

(B) provide opportunities for public notice and comment.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary shall include in the national strategy prioritized goals and measures to—

(A) incorporate climate change adaptation strategies into the planning and management of ocean and coastal programs and resources administered by the Department of Commerce;

(B) support restoration, protection, and enhancement of natural processes that minimize the impacts of relative sea level rise, global warming, and ocean acidification;

(C) minimize the impacts of global warming and ocean acidification on marine species and their habitats;

(D) identify, protect, and restore ocean and coastal habitats needed to build healthy and resilient ecosystems;

(E) support the development of climate change resiliency plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(F) provide technical assistance and training to other Federal agencies, States, local communities, universities, and other stakeholders; and

(G) identify additional research that is needed to better anticipate and plan for the impacts of global warming and ocean acidification on ocean and coastal resources.

(2) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the Secretary shall—

(A) take into consideration research and information available in Federal, regional, and State management and restoration plans and any other relevant reports and information; and

(B) encourage and take into account State and regional plans for protecting and restoring the health and resilience of ocean and coastal ecosystems.

(c) REVISION.—The Secretary shall revise the national strategy not later than 5 years after its promulgation, and not later than every 10 years thereafter, to reflect new information on the impacts of global warming, relative sea level rise, and acidification on ocean and coastal ecosystems and their resources and advances in the development of strategies for adapting to or mitigating for such impacts.

(d) SCIENCE ADVISORY BOARD.—

(1) CONSULTATION.—The Secretary shall consult with the National Oceanic and Atmospheric Administration's Science Advisory Board in the development and implementation of the strategy.

(2) REVIEW INFORMATION.—The Science Advisory Board shall periodically—

(A) review new information on the impacts of global warming, relative sea level rise, and acidification on ocean and coastal ecosystems and their resources and advances in the development of strategies for adapting to or mitigating for such impacts; and

(B) provide that information to the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section. Amounts appropriated shall be used for the exclusive purpose of carrying out the activities specified in this section.

(f) REPORT TO CONGRESS.—Copies of the strategy and implementation plan and any updates shall be provided to Congress.

SEC. 7472. PLANNING FOR CLIMATE CHANGE IN THE COASTAL ZONE.

(a) IN GENERAL.—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

''CLIMATE CHANGE RESILIENCY PLANNING

''SEC. 320. (a) IN GENERAL.—The Secretary shall establish consistent with the national policies set forth in section 303 a coastal climate change resiliency planning and response program to—

''(1) provide assistance to coastal states to voluntarily develop coastal climate change resiliency plans pursuant to approved management programs approved under section 306, to minimize contributions to climate change and to prepare for and reduce the negative consequences that may result from climate change in the coastal zone; and

''(2) provide financial and technical assistance and training to enable coastal states to implement plans developed pursuant to this section through coastal states' enforceable policies.

''(b) GUIDELINES.—Within 180 days after the date of enactment of this section, the Secretary, in consultation with the coastal states, shall issue guidelines for the implementation of the grant program established under subsection (c).

''(c) CLIMATE CHANGE RESILIENCY PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, may make a grant to any coastal state for the purpose of developing climate change resiliency plans pursuant to guidelines issued by the Secretary under subsection (b).

''(2) PLAN CONTENT.—A plan developed with a grant under this section shall include the following:

''(A) Identification of public facilities and public services, coastal resources of national significance, coastal waters, energy facilities, or other water uses located in the coastal zone that are likely to be impacted by climate change.

''(B) Adaptive management strategies for land use to respond or adapt to changing environmental conditions, including strategies to protect biodiversity and establish habitat buffer zones, migration corridors, and climate refugia.

''(C) Requirements to initiate and maintain long-term monitoring of environmental change to assess coastal zone resiliency and to adjust when necessary adaptive management strategies and new planning guidelines to attain the policies under section 303.

''(3) STATE HAZARD MITIGATION PLANS.—Plans developed with a grant under this section shall be consistent with State hazard mitigation plans developed under State or Federal law.

''(4) ALLOCATION.—Grants under this section shall be available only to coastal states with management programs approved by the Secretary under section 306 and shall be allocated among such coastal states in a manner consistent with regulations promulgated pursuant to section 306(c).

''(5) PRIORITY.—In the awarding of grants under this subsection the Secretary may give priority to any coastal state that has received grant funding to develop program changes pursuant to paragraphs (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

''(6) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a coastal state consistent with section 310 to ensure the timely development of plans supported by grants awarded under this subsection.

''(7) FEDERAL APPROVAL.—In order to be eligible for a grant under subsection (d), a coastal state must have its plan developed under this section approved by the Secretary.

''(d) COASTAL RESILIENCY PROJECT GRANTS.—

''(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, may make grants to any coastal state that has a climate change resiliency plan approved under subsection (c)(7), in order to support projects that implement strategies contained within such plans.

''(2) PROGRAM REQUIREMENTS.—The Secretary within 90 days after approval of the first plan approved under subsection (c)(7), shall publish in the Federal Register requirements regarding applications, allocations, eligible activities, and all terms and conditions for grants awarded under this subsection. No less than 30 percent of the funds appropriated in any fiscal year for grants under this subsection shall be awarded through a merit-based competitive process.

''(3) ELIGIBLE ACTIVITIES.—The Secretary may award grants to coastal states to implement projects in the coastal zone to address stress factors in order to improve coastal climate change resiliency, including the following:

''(A) Activities to address physical disturbances within the coastal zone, especially activities related to public facilities and public services, tourism, sedimentation, and other factors negatively impacting coastal waters, and fisheries-associated habitat destruction or alteration.

''(B) Monitoring, control, or eradication of disease organisms and invasive species.

''(C) Activities to address the loss, degradation or fragmentation of wildlife habitat through projects to establish marine and terrestrial habitat buffers, wildlife refugia or networks thereof, and preservation of migratory wildlife corridors and other transition zones.

''(D) Implementation of projects to reduce, mitigate, or otherwise address likely impacts caused by natural hazards in the coastal zone, including sea level rise, coastal inundation, coastal erosion and subsidence, severe weather events such as cyclonic storms, tsunamis and other seismic threats, and fluctuating Great Lakes water levels.

''(E) Provide technical training and assistance to local coastal policy makers to increase awareness of science, management, and technology information related to climate change and adaptation strategies.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is further amended by adding at the end the following:

''(4) for grants under section 320(c) and (d), such sums as are necessary.''.

(c) INTENT OF CONGRESS.—Nothing in this section shall be construed to require any coastal state to amend or modify its approved management program pursuant to section 306(e) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(e)), or to extend the enforceable policies of a coastal state beyond the coastal zone as identified in the coastal state's approved management program.

SEC. 7473. ENHANCING CLIMATE CHANGE PREDICTIONS.

(a) SHORT TITLE.—This section may be cited as the ''National Integrated Coastal and Ocean Observation Act of 2007''.

(b) PURPOSES.—The purposes of this section are the following:

(1) Establish a National Integrated Coastal and Ocean Observation System comprised of Federal and non-Federal components, coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of Regional Information Coordination Entities, that includes in situ, remote, and other coastal and ocean observations, technologies, and data management and communication systems, to gather specific coastal and ocean data variables and to ensure the timely dissemination and availability of usable observation data—

(A) to support national defense, marine commerce, energy production, scientific research, ecosystem-based marine and coastal resource management, weather and marine forecasting, public safety and public outreach training and education; and

(B) to promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare.

(2) Improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes.

(3) Authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean atmosphere dynamics, global climate change, and physical, chemical, and biological dynamics of the ocean and coastal and Great Lakes environments.

(c) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council referred to in section 7902 of title 10, United States Code.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant nonclassified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY WORKING GROUP.—The term ''Interagency Working Group'' means the Interagency Working Group on Ocean Observations as established by the U.S. Ocean Policy Committee Subcommittee on Ocean Science and Technology pursuant to Executive Order 13366 signed December 17, 2004.

(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observations, technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''Regional Information Coordination Entity'', subject to subparagraphs (B) and (C), means an organizational body that is certified or established by the lead Federal agency designated in subsection (d)(3)(C)(iii) and coordinating State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) INCLUDED ASSOCIATIONS.—Such term includes Regional Associations as described by the System Plan.

(C) LIMITATION.—Nothing in this section shall be construed to invalidate existing certifications, contracts, or agreements between Regional Associations and other elements of the System.

(7) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under subsection (d).

(8) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean.US publication #9, The First Integrated Ocean Observing System (IOOS) Development Plan''.

(d) NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.—

(1) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in subsection (b) and the System plan and to fulfill the Nation's international obligations to contribute to the global earth observation system of systems and the global ocean observing system.

(2) SUPPORT OF PURPOSES.—The head of each agency that is a member of the Interagency Working Group shall support the purposes of this section.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(5) PARTICIPATION IN REGIONAL INFORMATION COORDINATION ENTITY.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may participate in regional information coordination entity activities.

(6) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated by the Interagency Working Group or by Regional Information Coordination Entities.

(e) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The National Ocean Research Leadership Council shall be responsible for establishing broad coordination and long-term operations plans, policies, protocols, and standards for the System consistent with the policies, goals, and objectives contained in the System Plan, and coordination of the System with other earth observing activities.

(2) INTERAGENCY WORKING GROUP.—The Interagency Working Group shall, with respect to the System, be responsible for—

(A) implementation of operations plans and policies developed by the Council;

(B) development of and transmittal to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive System budget;

(C) identification of gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(D) establishment of data management and communication protocols and standards;

(E) establishment of required observation data variables;

(F) development of certification standards for all non-Federal assets or Regional Information Coordination Entities to be eligible for integration into the System;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System Advisory Committee established under paragraph (5), a competitive matching grant or other program to promote research and development of innovative observation technologies including testing and field trials; and

(H) periodically review and recommend to the Council revisions to the System Plan.

(3) LEAD FEDERAL AGENCY.—The Administrator shall function as the lead Federal agency for the System. The Administrator may establish an Interagency Program Coordinating Office to facilitate the Administrator's responsibilities as the lead Federal agency for System oversight and management. The Administrator shall—

(A) implement policies, protocols, and standards established by the Council and delegated by the Interagency Working Group;

(B) promulgate regulations to integrate the participation of non-Federal assets into the System and enter into and oversee contracts and agreements with Regional Information Coordination Entities to effect this purpose;

(C) implement a competitive funding process for the purpose of assigning contracts and agreements to Regional Information Coordination Entities;

(D) certify or establish Regional Information Coordination Entities to coordinate State, Federal, local, and private interests at a regional level with the responsibility of engaging private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions;

(E) formulate a process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System can be identified by the Regional Information Coordination Entities, the Administrator, or other members of the System and transmitted to the Interagency Working Group;

(F) be responsible for the coordination, storage, management, and dissemination of observation data gathered through the System to all end-user communities;

(G) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment; and

(H) report annually to the Council through the Interagency Working Group on the accomplishments, operational needs, and performance of the System to achieve the purposes of this title and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITY.—To be certified or established under paragraph (3)(D), a Regional Information Coordination Entity must be certified or established by contract or agreement by the Administrator, and must agree to—

(A) gather required System observation data and other requirements specified under this section and the System plan;

(B) identify gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System, and transmit such information to the Interagency Working Group via the Administrator;

(C) demonstrate an organizational structure and strategic operational plan to ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System;

(D) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits; and

(E) demonstrate a capability to work with other governmental and nongovernmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the Regional Information Coordination Entities and otherwise.

(5) SYSTEM ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Administrator shall establish a System Advisory Committee, which shall provide advice as may be requested by the Administrator or the Interagency Working Group.

(B) PURPOSE.—The purpose of the System Advisory Committee is to advise the Administrator and the Interagency Working Group on—

(i) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes specified under subsection (b);

(ii) expansion and periodic modernization and upgrade of technology components of the System;

(iii) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(iv) any other purpose identified by the Administrator or the Interagency Working Group.

(C) MEMBERS.—

(i) IN GENERAL.—The System Advisory Committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(ii) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(iii) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System Advisory Committee.

(iv) APPOINTMENT.—Members of the System Advisory Committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(D) ADMINISTRATIVE PROVISIONS.—

(i) REPORTING.—The System Advisory Committee shall report to the Administrator and the Interagency Working Group, as appropriate.

(ii) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System Advisory Committee.

(iii) MEETINGS.—The System Advisory Committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Working Group, or the chairperson.

(iv) COMPENSATION AND EXPENSES.—Members of the System Advisory Committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(v) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System Advisory Committee.

(6) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or Regional Information Coordination Entity that is certified under paragraph (3)(D) and that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or Regional Information Coordination Entity, while operating within the scope of his or her employment in carrying out the purposes of this section, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) INTERAGENCY FINANCING, GRANTS, CONTRACTS, AND AGREEMENTS.—

(1) IN GENERAL.—The member departments and agencies of the Council, subject to the availability of appropriations, may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member agency for the purposes of carrying out any administrative or programmatic project or activity to further the purposes of this section, including support for the Interagency Working Group, the Interagency Coordinating Program Office, a common infrastructure, and integration to expand or otherwise enhance the System.

(2) JOINT CENTERS AND AGREEMENTS.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this section and fulfillment of the System Plan.

(g) APPLICATION WITH OTHER LAWS.—Nothing in this section supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

(h) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this section, the Administrator through the Council shall submit to Congress a report that describes the status of the System and progress made to achieve the purposes of this section and the goals identified under the System Plan.

(2) CONTENTS.—The report shall include discussion of the following:

(A) Identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies.

(B) A review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems.

(C) An assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of Regional Information Coordination Entities to coordinate regional observation operations.

(D) An evaluation of progress made by the Council to achieve the purposes of this section and the goals identified under the System Plan.

(E) Recommendations for operational improvements to enhance the efficiency, accuracy, and overall capability of the System.

(3) BIENNIAL UPDATE.—Two years after the transmittal of the initial report prepared pursuant to this subsection and biennially thereafter, the Administrator, through the Council, shall submit to Congress an update of the initial report.

(i) PUBLIC-PRIVATE USE POLICY.—The Council shall develop a policy within 6 months after the date of the enactment of this section that defines processes for making decisions about the roles of the Federal Government, the States, Regional Information Coordination Entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this subsection shall be construed to require changes in policy in effect on the date of the enactment of this Act.

(j) INDEPENDENT COST ESTIMATE.—The Interagency Working Group, through the Administrator and the Director of the National Science Foundation, shall obtain within one year after the date of the enactment of this section an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

(k) INTENT OF CONGRESS.—It is the intent of Congress that funding provided to agencies of the Council to implement this section shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of

$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

Subtitle E—Royalties Under Offshore Oil and Gas Leases

SEC. 7501. SHORT TITLE.

This subtitle may be cited as the ''Royalty Relief for American Consumers Act of 2007''.

SEC. 7502. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for any Central and Western Gulf of Mexico tract during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2006. Existing lease provisions shall prevail through September 30, 2006.

SEC. 7503. CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.

Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104–58; 43 U.S.C. 1337 note).

SEC. 7504. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES; CONSERVATION OF RESOURCES FEES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless—

(A) the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(B) the person has—

(i) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(ii) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person or entity who has any direct or indirect interest in, or who derives any benefit from, a covered lease;

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish—

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for nonproducing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at $3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(c) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless—

(1) the lessee or other person has—

(A) renegotiated all covered leases of the lessee or other person; and

(B) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) the lessee or other person has—

(A) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(B) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(d) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

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

SEC. 7505. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109–58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(b) PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska'' after ''West longitude''.

(c) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved, and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

Subtitle F—Additional Provisions

SEC. 7601. OIL SHALE COMMUNITY IMPACT ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—There is established on the books of the Treasury of the United States a separate account to be known as the Oil Shale Community Impact Assistance Fund (hereinafter in this section referred to as the ''Fund''). The Fund shall be administered by the Secretary of the Interior acting through the Director of the Bureau of Land Management.

(b) CONTENTS.—

(1) IN GENERAL.—There shall be credited to the Fund—

(A) all amounts paid to the United States as bonus bids in connection with the award of commercial oil shale leases pursuant to section 369(e) of the Energy Policy Act of 2005 (42 U.S.C. 15927(e)); and

(B) an amount equal to 25 percent of the portion of the other amounts deposited into the Treasury pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191) with respect to such leases, that remains after deduction of all payments made pursuant to of such section.

(2) TERMINATION OF CREDITING OF ROYALTIES.—Paragraph (1)(B) shall not apply to royalties received by the United States under a commercial oil shale lease after the end of the 10-year period beginning on the date on which the first amount of royalty under such lease is paid to the United States.

(c) DISTRIBUTION.—

(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, shall use amounts in the Fund to annually pay to each county in which is located land subject to a commercial oil shale lease referred to in subsection (b)(1) an amount equal to the amount credited to the Fund during the preceding year pursuant to section (b) with respect to

such lease. If such land is located in more than one county, the Secretary shall allocate such payment among such counties on the basis of the relative amount of lands subject to the lease within each such county.

(2) USE OF PAYMENT.—Amounts paid to a county under this subsection shall be used by the county for the planning, construction, and maintenance of public facilities and the provision of public services.

SEC. 7602. ADDITIONAL NOTICE REQUIREMENTS.

(a) PERMITTEES.—At least 45 days before offering lands for lease pursuant to section 17(f) of the Mineral Leasing Act (30 U.S.C. 226(f)), the Secretary of the Interior shall provide notice of the proposed leasing activity in writing to the holders of special recreation permits for commercial use, competitive events, and other organized activities on the lands being offered for lease.

(b) CONSERVATION EASEMENT HOLDERS.—

(1) If the holder of a conservation easement or similar property interest in the surface estate of lands eligible for leasing under the Mineral Leasing Act has informed the Secretary of the Interior of the existence of such property interest, the Secretary shall treat such holder as a surface estate owner for purposes of section 7221(d) of this title.

(2) As soon as possible after the date of enactment of this Act, the Secretary of the Interior shall establish a means for holders of property interests described in paragraph (1) to provide notice of such interests, and shall inform the public regarding such means.

SEC. 7603. DAVIS-BACON ACT.

All laborers and mechanics employed by contractors and subcontractors on construction, repair, or alteration projects that are funded in whole or in part or otherwise authorized under sections 7304 or 7306 shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. The Secretary of Labor shall, with respect to the labor standards in this title, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 7604. ROAN PLATEAU, COLORADO.

(a) LEASES FOR TOP OF PLATEAU.—

(1) PROHIBITION.—The Secretary of the Interior shall include in each lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) for lands to which this subsection applies a prohibition of surface occupancy for purposes of exploration for or development of oil or gas.

(2) APPLICATION.—This subsection applies to all Federal lands in Colorado that were formerly designated as Naval Oil Shale Reserves 1 and 3 that are located within the rim boundary, as such boundary is depicted on Map 1 accompanying the Bureau of Land Management's final Resource Management Plan Amendment and Environmental Impact Statement for the Roan Plateau Planning Area dated August, 2006.

(b) REPORT ON CLEANUP STATUS.—No later than 30 days after the date of enactment of this Act—

(1) the Secretary of the Treasury shall provide to the appropriate Committees of Congress a report detailing the total amounts received by the United States under leases of Federal lands in Colorado formerly designated as Naval Oil Shale Reserves 1 and 3 pursuant to section 7439 of title 10, United States Code, and covered into the Treasury pursuant to subsection (f) of such section; and

(2) the Secretary of the Interior shall provide to the appropriate committees of Congress a report—

(A) detailing the amounts expended by the United States for environmental restoration, waste management, and environmental compliance activities with respect to the lands described in paragraph (1), to repay the cost to the United States to originally install wells, gathering lines, and related equipment on such lands, and any other cost incurred by the United States with respect to such lands; and

(B) stating what further actions are required to complete the needed environmental restoration, waste management, and environmental compliance activities with regard to such lands, the estimated cost of such activities, and when the Secretary expects such activities will be completed.

TITLE VIII—TRANSPORTATION AND INFRASTRUCTURE

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Transportation Energy Security and Climate Change Mitigation Act of 2007''.

SEC. 8002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Evidence that atmospheric warming and climate change are occurring is unequivocal.

(2) Observed and anticipated impacts of climate change can result in economic harm and environmental damage to the United States and the world.

(3) The Nation's water resources, ecosystems, and infrastructure will be under increasing stress and pressure in coming decades, particularly due to climate change.

(4) Greenhouse gases, such as carbon dioxide, methane, and nitrous oxides, can lead to atmospheric warming and climate change.

(5) Transportation and buildings are among the leading sources of greenhouse gas emissions.

(6) Increased reliance on energy efficient and renewable energy transportation and public buildings can strengthen our Nation's energy security and mitigate the effects of climate change by cutting greenhouse gas emissions.

(7) The Federal Government can strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning.

(b) PURPOSES.—The purposes of this title are to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning.

Subtitle A—Department of Transportation

SEC. 8101. CENTER FOR CLIMATE CHANGE AND ENVIRONMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by adding after subsection (f) the following:

''(g) CENTER FOR CLIMATE CHANGE AND ENVIRONMENT.—

''(1) ESTABLISHMENT.—There is established in the Department a Center for Climate Change and Environment to plan, coordinate, and implement—

''(A) department-wide research, strategies, and actions under the Department's statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

''(B) department-wide research strategies and action to address the impacts of climate change on transportation systems and infrastructure.

''(2) CLEARINGHOUSE.—The Center shall establish a clearinghouse of low-cost solutions, including projects that are being or could be implemented under the congestion mitigation and air quality improvement program of section 149 of title 23, to reduce congestion and transportation-related energy use and air pollution and mitigate the effects of climate change.''.

(b) COORDINATION.—The Center for Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.

(c) LOW-COST CONGESTION SOLUTIONS.—

(1) STUDY.—The Center for Climate Change and Environment, in coordination with the Environmental Protection Agency, shall conduct a study to examine fuel efficiency savings and clean air impacts of major transportation projects, to identify low-cost solutions to reduce congestion and transportation-related energy use and mitigate the effects of climate change, and to alleviate such problems as railroad pricing that may force freight off the more fuel efficient railroads and onto less fuel efficient trucks.

(2) REPORT.—Not later than one year after the date of enactment of this title, the Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on low-cost solutions to reducing congestion and transportation-related energy use and mitigating the effects of climate change.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the Center to carry out its duties under section 102(g) of title 49, United States Code, such sums as may be necessary for fiscal years 2008 through 2011.

Subtitle B—Highways and Transit

PART 1—PUBLIC TRANSPORTATION

SEC. 8201. GRANTS TO IMPROVE PUBLIC TRANSPORTATION SERVICES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) URBANIZED AREA FORMULA GRANTS.—In addition to amounts allocated under section 5338(b)(2)(B) of title 49, United States Code, to carry out section 5307 of such title, there is authorized to be appropriated $750,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5307. Such funds shall be apportioned in accordance with section 5336 (other than subsections (i)(1) and (j)) of such title but may not be combined or commingled with any other funds apportioned under such section 5336.

(2) FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.—In addition to amounts allocated under section 5338(b)(2)(G) of title 49, United States Code, to carry out section 5311 of such title, there is authorized to be appropriated $100,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5311. Such funds shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under such section 5311.

(b) USE OF FUNDS.—Notwithstanding sections 5307 and 5311 of title 49, United States Code, the Secretary of Transportation may make grants under such sections from amounts appropriated under subsection (a) only for one or more of the following:

(1) If the recipient of the grant is reducing, or certifies to the Secretary that, during the term of the grant, the recipient will reduce one or more fares the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus

service, those operating costs of equipment and facilities being used to provide the public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary that, during the term of the grant, the recipient will expand public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, those operating and capital costs of equipment and facilities being used to provide the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient incurs as a result of the expansion of such service.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

SEC. 8202. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT COMPLIANCE.

Notwithstanding section 5323(i)(1) of title 49, United States Code, a grant for a project to be assisted under chapter 53 of such title during fiscal years 2008 and 2009 that involves acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purposes of complying with or maintaining compliance with the Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100 percent of the net project cost of the equipment or facility attributable to compliance with that Act.

SEC. 8203. COMMUTER RAIL TRANSIT ENHANCEMENT.

(a) AMENDMENT.—Part E of subtitle V of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

"Sec.
"28501. Definitions
"28502. Surface Transportation Board mediation of trackage use requests.
"28503. Surface Transportation Board mediation of rights-of-way use requests.
"28504. Applicability of other laws.
"28505. Rules and regulations.

"§ 28501. Definitions

"In this chapter—

"(1) the term 'Board' means the Surface Transportation Board;

"(2) the term 'capital work' means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

"(3) the term 'fixed guideway transportation' means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

"(4) the term 'public transportation authority' means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, fixed guideway transportation;

"(5) the term 'rail carrier' means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

"(6) the term 'segregated fixed guideway facility' means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

"(7) the term 'trackage' means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

"§ 28502. Surface Transportation Board mediation of trackage use requests

"If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of fixed guideway transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28503. Surface Transportation Board mediation of rights-of-way use requests

"If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28504. Applicability of other laws

"Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

"§ 28505. Rules and regulations

"Not later than 180 days after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters of such subtitle is amended by adding after the item relating to chapter 283 the following:

"285. COMMUTER RAIL TRANSIT ENHANCEMENT ..... 28501".

PART 2—FEDERAL-AID HIGHWAYS

SEC. 8251. INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.

Section 120(c) of title 23, United States Code, is amended—

(1) in the subsection heading by striking "FOR CERTAIN SAFETY PROJECTS";

(2) by striking "The Federal share" and inserting the following:

"(1) CERTAIN SAFETY PROJECTS.—The Federal share"; and

(3) by adding at the end the following:

"(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be 100 percent of the cost thereof.".

SEC. 8252. DISTRIBUTION OF RESCISSIONS.

(a) IN GENERAL.—Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code, before, on, or after the date of enactment of this Act and that are rescinded after such date of enactment shall be distributed within each State (as defined in section 101 of such title) among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year.

(b) TREATMENT OF TRANSPORTATION ENHANCEMENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE AREAS.—Funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned under chapter 1 of such title for purposes of subsection (a).

SEC. 8253. SENSE OF CONGRESS REGARDING USE OF COMPLETE STREETS DESIGN TECHNIQUES.

It is the sense of Congress that in constructing new roadways or rehabilitating existing facilities, State and local governments should employ policies designed to accommodate all users, including motorists, pedestrians, cyclists, transit riders, and people of all ages and abilities, in order to—

(1) serve all surface transportation users by creating a more interconnected and intermodal system;

(2) create more viable transportation options; and

(3) facilitate the use of environmentally friendly options, such as public transportation, walking, and bicycling.

Subtitle C—Railroad and Pipeline Transportation

PART 1—RAILROADS

SEC. 8301. ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall establish and carry out a pilot program for making grants to railroad carriers (as defined in section 20102 of title 49, United States Code) and State and local governments—

(1) for assistance in purchasing hybrid locomotives, including hybrid switch locomotives; and

(2) to demonstrate the extent to which such locomotives increase fuel economy, reduce emissions, and lower costs of operation.

(b) LIMITATION.—Notwithstanding subsection (a), no grant under this section may be used to fund the costs of emissions reductions that are mandated under Federal, State, or local law.

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider—

(1) the level of energy efficiency that would be achieved by the proposed project;

(2) the extent to which the proposed project would assist in commercial deployment of hybrid locomotive technologies;

(3) the extent to which the proposed project complements other private or governmental partnership efforts to improve air quality or fuel efficiency in a particular area; and

(4) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

(d) COMPETITIVE GRANT SELECTION PROCESS.—

(1) APPLICATIONS.—A railroad carrier or State or local government seeking a grant under this section shall submit for approval by the Secretary an application for the grant under this section containing such information as the Secretary may require to receive a grant under this section.

(2) COMPETITIVE SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall not exceed 90 percent of the project cost.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.

SEC. 8302. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

''Sec.
''22301. Capital grants for railroad track.

"§ 22301. Capital grants for railroad track

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound railcars. Grants may be provided under this chapter—

''(A) directly to the class II or class III railroad; or

''(B) with the concurrence of the class II or class III railroad, to a State or local government.

''(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

''(3) INTERIM REGULATIONS.—Not later than December 31, 2007, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

''(4) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

''(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

''(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of this chapter.

''(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

''(e) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

''(f) LABOR STANDARDS.—

''(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the 'Davis-Bacon Act'). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

''(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

''(g) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2009, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $250,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

''223. CAPITAL GRANTS FOR RAILROAD TRACK ..... 22301''.

PART 2—PIPELINES

SEC. 8311. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary of Transportation, shall conduct feasibility studies for the construction of pipeline dedicated to the transportation of ethanol.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on such feasibility studies.

(c) STUDY FACTORS.—Feasibility studies funded under this part shall include consideration of—

(1) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, including technical, siting, financing, and regulatory barriers;

(2) market risk, including throughput risk;

(3) regulatory, financing, and siting options that would mitigate such risk and help ensure the construction of pipelines dedicated to the transportation of ethanol;

(4) ensuring the safe transportation of ethanol and preventive measures to ensure pipeline integrity; and

(5) such other factors as the Secretary of Energy considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $1,000,000 for each of the fiscal years 2008 and 2009, to remain available until expended.

Subtitle D—Maritime Transportation

PART 1—GENERAL PROVISIONS

SEC. 8401. SHORT SEA TRANSPORTATION INITIATIVE.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding after chapter 555 the following:

"CHAPTER 556—SHORT SEA TRANSPORTATION

''Sec. 55601. Short sea transportation program.
''Sec. 55602. Cargo and shippers.
''Sec. 55603. Financing of short sea transportation projects.
''Sec. 55604. Interagency coordination.
''Sec. 55605. Research on short sea transportation.
''Sec. 55606. Short sea transportation defined.

"§ 55601. Short sea transportation program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

''(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

''(1) documented vessels;

''(2) shipper utilization;

''(3) port and landside infrastructure; and

''(4) marine transportation strategies by State and local governments.

''(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

''(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

''(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

''(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

''(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary of Transportation may—

''(1) promote the development of short sea transportation services;

''(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

''(3) develop performance measures for the short sea transportation program.

''(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

''(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

''(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate

transport of freight and passengers in their transportation planning; and

''(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

''§ 55602. Cargo and shippers

''(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

''(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

''§ 55603. Financing of short sea transportation projects

''(a) AUTHORITY TO MAKE LOAN GUARANTEE.—The Secretary of Transportation, subject to the availability of appropriations, may make a loan guarantee for the financing of the construction, reconstruction, or reconditioning of a vessel that will be used for a short sea transportation project designated under section 55601.

''(b) TERMS AND CONDITIONS.—In making a loan guarantee under this section, the Secretary shall use the authority, terms, and conditions that apply to a loan guarantee made under chapter 537.

''(c) GENERAL LIMITATIONS.—The total unpaid principal amount of obligations guaranteed under this chapter and outstanding at one time may not exceed $2,000,000,000.

''(d) FULL FAITH AND CREDIT.—The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this chapter, for both principal and interest, including interest (as may be provided for in the guarantee) accruing between the date of default under a guaranteed obligation and the date of payment in full of the guarantee.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section for each of fiscal years 2008 through 2011.

''§ 55604. Interagency coordination

''The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.

''§ 55605. Research on short sea transportation

''The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on short sea transportation, regarding—

''(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

''(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

''(3) identify and seek solutions to impediments to short sea transportation projects designated under section 55601.

''§ 55606. Short sea transportation defined

''In this chapter, the term 'short sea transportation' means the carriage by vessel of cargo—

''(1) that is—

''(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

''(B) loaded on the vessel by means of wheeled technology; and

''(2) that is—

''(A) loaded at a port in the United States and unloaded at another port in the United States or a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

''(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle V of such title is amended by inserting after the item relating to chapter 555 the following:

''556. Short Sea Transportation ..... 55601''.

(c) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than December 31, 2007, the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

SEC. 8402. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL CONSTRUCTION FUND.

(a) DEFINITION OF QUALIFIED VESSEL.—Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii) by striking ''or noncontiguous domestic'' and inserting ''noncontiguous domestic, or short sea transportation trade''; and

(2) by inserting after paragraph (6) the following:

''(7) SHORT SEA TRANSPORTATION TRADE.—The term 'short sea transportation trade' means the carriage by vessel of cargo—

''(A) that is—

''(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

''(ii) loaded on the vessel by means of wheeled technology; and

''(B) that is—

''(i) loaded at a port in the United States and unloaded at another port in the United States or a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

''(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.''.

(b) ALLOWABLE PURPOSE.—Section 53503(b) of such title is amended by striking ''or noncontiguous domestic trade'' and inserting ''noncontiguous domestic, or short sea transportation trade''.

SEC. 8403. REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the short sea transportation program established under the amendments made by section 8401. The report shall include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary considers appropriate.

PART 2—MARITIME POLLUTION

SEC. 8451. REFERENCES.

Wherever in this part an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 8452. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) 'Administrator' means the Administrator of the Environmental Protection Agency.'';

(3) in paragraph (5) (as so redesignated) by striking ''and V'' and inserting ''V, and VI'';

(4) in paragraph (6) (as so redesignated) by striking '' 'discharge' and 'garbage' and 'harmful substance' and 'incident' '' and inserting '' 'discharge', 'emission', 'garbage', 'harmful substance', and 'incident' ''; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

''(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;''.

SEC. 8453. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following:

''(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

''(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

''(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

''(i) the navigable waters of the United States;

''(ii) an emission control area designated pursuant to section 4; or

''(iii) any other area that the Administrator, in consultation with the Secretary and each State that is adjacent to any part of the proposed area, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

''(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

''(i) the navigable waters of the United States;

''(ii) an emission control area designated under section 4; or

''(iii) any other area that the Administrator, in consultation with the Secretary and each State that is adjacent to any part of the proposed area, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

''(D) to the extent consistent with international law, to any other ship that is in—

''(i) the exclusive economic zone of the United States;

''(ii) the navigable waters of the United States;

''(iii) an emission control area designated under section 4; or

''(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.'';

(2) in subsection (b)—

(A) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.'';

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following:

''(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.''; and

(5) in subsection (e), as redesignated—

(A) by inserting ''or the Administrator, consistent with section 4 of this Act,'' after ''Secretary'';

(B) by striking ''of section (3)'' and inserting ''of this section''; and

(C) by striking ''Protocol, including regulations conforming to and giving effect to the requirements of Annex V'' and inserting ''Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI''.

SEC. 8454. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

''(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

''(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) or regulations prescribed under that Act.

''(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

''(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.''; and

(3) in subsection (c), as redesignated—

(A) by redesignating paragraph (2) as paragraph (4);

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

''(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

''(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior.''; and

(C) by adding at the end the following:

''(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.''.

SEC. 8455. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking ''The Secretary'' and inserting ''Except as provided in section 4(b)(1), the Secretary'';

(2) in subsection (b) by striking ''Secretary under the authority of the MARPOL protocol.'' and inserting ''Secretary or the Administrator under the authority of this Act.''; and

(3) in subsection (e) by striking ''environment.'' and inserting ''environment or the public health and welfare.''.

SEC. 8456. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

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

''(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.'';

(2) in subsection (b) by inserting ''or the Administrator'' after ''Secretary'';

(3) in subsection (e) by striking paragraph (2) and inserting the following:

''(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.'';

(4) in subsection (f)(1) by striking ''Secretary is'' and inserting ''Secretary and the Administrator are''; and

(5) in subsection (f)(2) by striking ''(A)''.

SEC. 8457. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

''(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

''(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

''(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.''.

SEC. 8458. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by inserting ''or the Administrator as provided for in this Act,'' after ''Secretary,''.

SEC. 8459. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking ''Protocol,,'' each place it appears and inserting ''Protocol,'';

(2) in subsection (b) by inserting '', or the Administrator as provided for in this Act'' after ''Secretary'' the first place it appears;

(3) in subsection (b)(2), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'';

(4) in the matter after paragraph (2) of subsection (b)—

(A) by inserting '', or the Administrator as provided for in this Act'' after ''Secretary'' the first place it appears; and

(B) by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' the second and third places it appears;

(5) in subsection (c) by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' each place it appears; and

(6) in subsection (f) by inserting '', or the Administrator as provided for in this Act'' after ''Secretary'' the first place appears.

SEC. 8460. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

''SEC. 15. EFFECT ON OTHER LAWS.

''Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.''.

Subtitle E—Aviation

SEC. 8501. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term ''eligible consortium'' means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ''environmental mitigation demonstration project'' means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

Subtitle F—Public Buildings

PART 1—GENERAL SERVICES ADMINISTRATION

SEC. 8601. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by inserting after paragraph (6) the following:

''(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.''.

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such of title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.''.

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3315, 3316, and 3317, respectively; and

(B) by inserting after section 3312 the following:

''§ 3313. Use of energy efficient lighting fixtures and bulbs

''(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

''(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

''(1) the life-cycle cost effectiveness of the fixture or bulb;

''(2) the compatibility of the fixture or bulb with existing equipment;

''(3) whether use of the fixture or bulb could result in interference with productivity;

''(4) the aesthetics relating to use of the fixture or bulb; and

''(5) such other factors as the Administrator determines appropriate.

''(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

''(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

''(2) the Administrator has otherwise determined that the fixture or bulb is energy efficient.

''(e) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

''(f) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.''.

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

''3313. Use of energy efficient lighting fixtures and bulbs.
''3314. Maximum period for utility services contracts.
''3315. Delegation.
''3316. Report to Congress.
''3317. Certain authority not affected.''.

(d) MAXIMUM PERIOD FOR UTILITY SERVICE CONTRACTS.—Such chapter is further amended by inserting after section 3313 (as inserted by subsection (c)(1) of this section) the following:

''§ 3314. Maximum period for utility service contracts

''Notwithstanding section 501(b)(1)(B), the Administrator of General Services may contract for public utility services for a period of not more than 30 years if cost effective and necessary to promote the use of energy efficient and renewable energy systems, including photovoltaic systems.''.

(e) EVALUATION FACTOR.—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;''.

SEC. 8602. PUBLIC BUILDING LIFE-CYCLE COSTS.

Section 544(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking ''25'' and inserting ''40''.

SEC. 8603. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, SW., Washington, DC, commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alternations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

PART 2—COAST GUARD

SEC. 8631. PROHIBITION ON INCANDESCENT LAMPS BY COAST GUARD.

(a) PROHIBITION.—Except as provided by subsection (b), on and after January 1, 2009, a general service incandescent lamp shall not be purchased or installed in a Coast Guard facility by or on behalf of the Coast Guard.

(b) EXCEPTION.—A general service incandescent lamp may be purchased, installed, and used in a Coast Guard facility whenever the application of a general service incandescent lamp is—

(1) necessary due to purpose or design, including medical, security, and industrial applications;

(2) reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or

(3) the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

(c) LIMITATION.—In this section, the term ''facility'' does not include a vessel or aircraft of the Coast Guard.

PART 3—ARCHITECT OF THE CAPITOL

SEC. 8651. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDY.

(a) STUDY.—The Architect of the Capitol may perform a feasibility study regarding construction of a photovoltaic roof for the Rayburn House Office Building.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the feasibility study and recommendations regarding construction of a photovoltaic roof for the building referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

SEC. 8652. CAPITOL COMPLEX E–85 REFUELING STATION.

(a) CONSTRUCTION.—The Architect of the Capitol may construct a fuel tank and pumping system for E–85 fuel at or within close proximity to the Capitol Grounds Fuel Station.

(b) USE.—The E–85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E–85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E–85 fuel used by such other legislative branch vehicles.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

SEC. 8653. ENERGY AND ENVIRONMENTAL MEASURES IN CAPITOL COMPLEX MASTER PLAN.

(a) IN GENERAL.—To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency measures, climate change mitigation measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules of the Senate a report on the energy efficiency measures, climate change mitigation measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 8654. CAPITOL POWER PLANT.

(a) IN GENERAL.—For the purpose of reducing carbon dioxide emissions, the Architect of the Capitol shall install technologies for the capture and storage or use of carbon dioxide emitted from the Capitol Power plant as a result of burning coal.

(b) CAPITOL POWER PLANT DEFINED.—In this section, the term ''Capitol power plant'' means the power plant constructed in the vicinity of the Capitol Complex in the District of Columbia pursuant to the Act of April 28, 1904 (33 Stat. 479, chapter 1762), and designated under the Act of March 4, 1911 (2 U.S.C. 2162).

SEC. 8655. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(c) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol, in conjunction with the Chief Administrative Officer of the House of Representatives, shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 8656. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS AND CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers and the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures, adjusting the operation of the boilers, adjusting water temperatures, and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the systems.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(c) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Architect of the Capitol, in conjunction with the Chief Administrative Officer of the House of Representatives, shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

Subtitle G—Water Resources and Emergency Management Preparedness

PART 1—WATER RESOURCES

SEC. 8701. POLICY OF THE UNITED STATES.

It is the policy of the United States that all Federal water resources projects—

(1) reflect national priorities for flood damage reduction, navigation, ecosystem restoration, and hazard mitigation and consider the future impacts of increased hurricanes, droughts, and other climate change-related weather events;

(2) avoid the unwise use of floodplains, minimize vulnerabilities in any case in which a floodplain must be used, protect and restore the extent and functions of natural systems, and mitigate any unavoidable damage to aquatic natural system; and

(3) to the maximum extent possible, avoid impacts to wetlands, which create natural buffers, help filter water, serve as recharge areas for aquifers, reduce floods and erosion, and provide valuable plant and animal habitat.

SEC. 8702. 21ST CENTURY WATER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the 21st Century Water Commission (in this section referred to as the ''Commission'').

(b) DUTIES.—The duties of the Commission shall be to—

(1) use existing water assessments and conduct such additional studies and assessments as may be necessary to project—

(A) future water supply and demand;

(B) impacts of climate change to our Nation's flood risk and water availability; and

(C) associated impacts of climate change on water quality;

(2)(A) study current water management programs of Federal, interstate, State, and local agencies and private sector entities directed at increasing water supplies and improving the availability, reliability, and quality of freshwater resources; and

(B) evaluate such programs' hazard mitigation strategies and contingency planning in light of climate change impacts, including sea level rise, flooding, and droughts; and

(3) consult with representatives of such agencies and entities to develop recommendations, consistent with laws, treaties, decrees, and interstate compacts, for a comprehensive water strategy to—

(A) recognize the primary role of States in adjudicating, administering, and regulating water rights and water uses;

(B) identify incentives intended to ensure an adequate and dependable supply of water to meet the needs of the United States for the next 50 years, including the future impacts of climate change on water supply and quality;

(C) eliminate duplication and conflict among Federal governmental programs;

(D) consider all available technologies (including climate change predictions, advanced modeling and mapping of wetlands, floodplains, and other critical areas) and other methods to optimize water supply reliability, availability, and quality, while safeguarding and enhancing the environment and planning for the potential impacts of climate change on water quality, water supply, flood and storm damage reduction, and ecosystem health;

(E) recommend means of capturing excess water and flood water for conservation and use in the event of a drought;

(F) identify adaptation techniques, or further research needs of adaptation techniques, for effectively conserving freshwater and coastal systems as they respond to climate change;

(G) suggest financing options, incentives, and strategies for development of comprehensive water management plans, holistically designed water resources projects, conservation of existing water resources infrastructure (except drinking water infrastructure) and to increase the use of nonstructural elements (including green infrastructure and low impact development techniques);

(H) suggest strategies for avoiding increased mandates on State and local governments;

(I) suggest strategies for using best available climate science in projections of future flood and drought risk, and for developing hazard mitigation strategies to protect

water quality, in extreme weather conditions caused by climate change;

(J) identify policies that encourage low impact development, especially in areas near high priority aquatic systems;

(K) suggest strategies for encouraging the use of, and reducing biases against, nonstructural elements (including green infrastructure and low impact development techniques) when managing stormwater, including features that—

(i) preserve and restore natural processes, landforms (such as floodplains), natural vegetated stream side buffers, wetlands, or other topographical features that can slow, filter, and naturally store stormwater runoff and flood waters for future water supply and recharge of natural aquifers;

(ii) utilize natural design techniques that infiltrate, filter, store, evaporate, and detain water close to its source; or

(iii) minimize the use of impervious surfaces in order to slow or infiltrate precipitation;

(L) suggest strategies for addressing increased sewage overflow problems due to changing storm dynamics and the impact of aging stormwater and wastewater infrastructure, population growth, and urban sprawl;

(M) promote environmental restoration projects that reestablish natural processes; and

(N) identify opportunities to promote existing or create regional planning, including opportunities to integrate climate change into water infrastructure and environmental conservation planning.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members who shall be appointed, not later than 90 days after the date of enactment of this Act, as follows:

(A) 2 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives from a list of 4 individuals—

(i) 2 nominated for that appointment by the chairman of the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) 2 nominated for that appointment by the chairman of the Committee Natural Resources of the House of Representatives.

(C) 2 members appointed by the majority leader of the Senate from a list of 4 individuals—

(i) 2 nominated for that appointment by the chairman of the Committee on Environment and Public Works of the Senate; and

(ii) 2 nominated for that appointment by the chairman of the Committee on Energy and Natural Resources of the Senate.

(D) One member appointed by the minority leader of the House of Representatives from a list of 2 individuals—

(i) one nominated for that appointment by the ranking member of the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) one nominated for that appointment by the ranking member of the Committee on Natural Resources of the Senate.

(E) 1 member appointed by the minority leader of the Senate from a list of 2 individuals—

(i) one nominated for that appointment by the ranking member of the Committee on Environment and Public Works of the Senate; and

(ii) one nominated for that appointment by the ranking member of the Committee on Energy and Natural Resources of the Senate.

(2) QUALIFICATIONS.—

(A) RECOGNIZED STANDING AND DISTINCTION.—Members shall be appointed to the Commission from among individuals who are of recognized standing and distinction in water policy issues.

(B) LIMITATION.—A person while serving as a member of the Commission may not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(C) OTHER CONSIDERATIONS.—In appointing members of the Commission, every effort shall be made to ensure that the members represent a broad cross section of regional and geographical perspectives in the United States.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

(4) TERMS.—Members of the Commission shall serve for the life of the Commission.

(5) VACANCIES.—A vacancy on the Commission shall not affect its operation and shall be filled in the manner in which the original appointment was made.

(6) COMPENSATION AND TRAVEL EXPENSES.—Members of the Commission shall serve without compensation; except that members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57, United States Code.

(d) MEETINGS AND QUORUM.—

(1) MEETINGS.—The Commission shall hold its first meeting not later than 60 days after the date on which all original members are appointed under subsection (c) and shall hold additional meetings at the call of the Chairperson or a majority of its members.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader of the House of Representatives, the chairmen of the Committees on Resources and Transportation and Infrastructure of the House of Representatives, the minority leader of the Senate, and the chairmen of the Committee on Energy and Natural Resources and Environment and Public Works of the Senate.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates; except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS–15 of the General Schedule.

(f) HEARINGS.—

(1) MINIMUM NUMBER.—The Commission shall hold no fewer than 10 hearings during the life of the Commission.

(2) IN CONJUNCTION WITH MEETINGS.—Hearings may be held in conjunction with meetings of the Commission.

(3) TESTIMONY AND EVIDENCE.—The Commission may take such testimony and receive such evidence as the Commission considers appropriate to carry out this section.

(4) SPECIFIED.—At least one hearing shall be held in Washington, District of Columbia, for the purpose of taking testimony of representatives of Federal agencies, national organizations, and Members of Congress. At least one hearing shall focus on potential water resource issues relating to climate change and how to mitigate the harms of climate change-related weather events.

(5) NONSPECIFIED.—Hearings, other than those referred to in paragraph (4), shall be scheduled in distinct geographical regions of the United States. In conducting such hearings, the Commission should seek to ensure testimony from individuals with a diversity of experiences, including those who work on water issues at all levels of government and in the private sector.

(g) INFORMATION AND SUPPORT FROM FEDERAL AGENCIES.—Upon request of the Commission, the head of a Federal department or agency shall—

(1) provide to the Commission, within 30 days of the request, such information as the Commission considers necessary to carry out this section; and

(2) detail to temporary duty with the Commission on a reimbursable basis such personnel as the Commission considers necessary to carry out this section.

(h) INTERIM REPORTS.—Not later than one year after the date of the first meeting of the Commission, and every year thereafter, the Commission shall submit an interim report containing a detailed summary of its progress, including meetings held and hearings conducted before the date of the report, to—

(1) the President; and

(2) Congress.

(i) FINAL REPORT.—As soon as practicable, but not later than 5 years after the date of the first meeting of the Commission, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement such findings and conclusions to—

(1) the President;

(2) the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

(j) TERMINATION.—The Commission shall terminate not later than 30 days after the date on which the Commission transmits a final report under subsection (h)(1).

(k) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section.

SEC. 8703. STUDY OF POTENTIAL IMPACTS OF CLIMATE CHANGE ON WATER RESOURCES AND WATER QUALITY.

(a) NATIONAL ACADEMY STUDY.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) produce a 2-part study that will consist of—

(A) a study that will identify the potential impacts of climate change on the Nation's watersheds and water resources, including hydrological and ecological impacts;

(B) a study that will identify the potential impacts of climate change on water quality, including the extent to which Federal and State efforts under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other ocean and coastal laws may be affected by climate change;

(C) information, analyses, and data that will identify, to the maximum extent practicable, hydrological and temperature changes by watershed in the United States and that support the findings made under subparagraphs (A) and (B); and

(D) identification of the scientific consensus, assumptions, and uncertainties related to predictions of climate change in the United States;

(2) identify the potential impacts of climate change on the Nation's water resources, watersheds, and water quality, including the potential for impacts to wetlands, shoreline erosion, and saltwater intrusion as a result of sea level rise, and the potential for significant regional variation in precipitation events to impact Federal, State, and local efforts to attain or maintain water quality;

(3) assess the extent to which Federal and State efforts under the Federal Water Pollution Control Act and other ocean and coastal laws may be affected by climate change;

(4) identify prudent steps to assess emerging information and identify appropriate response actions to meet the requirements of such Act, including provisions to attain or maintain water quality standards and for adequate stream flows for wetlands and aquatic resources; and

(5) recommend, if necessary, potential legislative or regulatory changes to address impacts of global climate change on efforts to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

(b) RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,500,000 to carry out this section.

SEC. 8704. IMPACTS OF CLIMATE CHANGE ON CORPS OF ENGINEERS PROJECTS.

(a) IN GENERAL.—The Secretary of the Army shall ensure that water resources projects and studies carried out by the Corps of Engineers after the date of enactment of this Act take into account the potential short and long term effects of climate change on such projects.

(b) CONSIDERATION.—In carrying out this section, the Secretary shall utilize a representative range of climate change scenarios, including the current projections of the United States Global Change Research Program and the Intergovernmental Panel on Climate Change.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the implementation of this section.

PART 2—EMERGENCY MANAGEMENT

SEC. 8731. EFFECTS OF CLIMATE CHANGE ON FEMA PREPAREDNESS, RESPONSE, RECOVERY, AND MITIGATION PROGRAMS.

(a) STUDY.—The Administrator of the Federal Emergency Management Agency shall conduct a comprehensive study of the increase in demand for the Agency's emergency preparedness, response, recovery, and mitigation programs and services that may be reasonably anticipated as a result of an increased number and intensity of natural disasters affected by climate change, including hurricanes, floods, tornadoes, fires, droughts, and severe storms.

(b) CONTENTS.—The study shall include an analysis of the budgetary and personnel needs of meeting the increased demand for Agency services referred to in subsection (a).

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report and any legislative recommendations on the study conducted under this section.

TITLE IX—ENERGY AND COMMERCE

Subtitle A—Promoting Energy Efficiency

SEC. 9000. SHORT TITLE.

This subtitle may be cited as the ''Energy Efficiency Improvement Act of 2007''.

PART 1—APPLIANCE EFFICIENCY

SEC. 9001. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—The Energy Policy and Conservation Act is amended as follows:

(1) DEHUMIDIFIERS.—Section 325(cc)(2) (42 U.S.C. 6295(cc)(2)) is amended to read as follows:

''(2) Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

"Product Capacity (pints/day):	Minimum Energy Factor (liters/KWh)
Up to 35.00	1.35
35.01-45.00	1.50
45.01-54.00	1.60
54.01-75.00	1.70
Greater than 75.00	2.5.''.

(2) RESIDENTIAL CLOTHESWASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) (42 U.S.C. 6295(g)) is amended by adding at the end the following new paragraphs:

''(9) A top-loading or front-loading standard-size residential clotheswasher manufactured on or after January 1, 2011, shall have—

''(A) a Modified Energy Factor of at least 1.26; and

''(B) a water factor of not more than 9.5.

''(10) No later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clotheswashers manufactured on or after January 1, 2015. Such rule shall contain such amendment, if any.

''(11) Dishwashers manufactured on or after January 1, 2010, shall—

''(A) for standard size dishwashers not exceed 355 kwh/year and 6.5 gallon per cycle; and

''(B) for compact size dishwashers not exceed 260 kwh/year and 4.5 gallons per cycle.

''(12) No later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018. Such rule shall contain such amendment, if any.''.

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) (42 U.S.C. 6295(b)) is amended by adding at the end the following new paragraph:

''(4) Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014. Such rule shall contain such amendment, if any.''.

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''January 1, 2010'' and inserting ''July 1, 2009''.

SEC. 9002. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking the text of subparagraph (A) and inserting the following: ''The term 'general purpose electric motor (subtype I)' means any motor that meets the definition of 'General Purpose' as established in the final rule issued by the Department of Energy for 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 CFR 431), as in effect on the date of enactment of the Energy Efficiency Improvement Act of 2007.

''(B) The term 'general purpose electric motor (subtype II)' means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as one of the following:

''(i) U-Frame Motors.

''(ii) Design C Motors.

''(iii) Close-coupled pump motors.

''(iv) Footless motors.

''(v) Vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

''(vi) 8-pole motors (~900 rpm).

''(vii) All poly-phase motors with voltages up to 600 volts other than 230/460 volts.''.

(b) STANDARDS.—

(1) AMENDMENT.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended by striking the text of paragraph (1) and inserting the following: ''(A) Each general purpose electric motor (subtype I), except as provided in subparagraph (B), with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have a nominal full load efficiency not less than as defined in NEMA MG–1 (2006) Table 12–12.

''(B) Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have nominal full load efficiency not less than as defined in NEMA MG–1 (2006) Table 12–11.

''(C) Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have a nominal full load efficiency not less than as defined in NEMA MG–1 (2006) Table 12–11.

''(D) Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have a nominal full load efficiency not less than as defined in NEMA MG–1 (2006) Table 12–11.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 36 months after the date of enactment of this Act.

SEC. 9003. RESIDENTIAL BOILERS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6925(f)) is amended—

(1) in the subsection heading, by inserting ''AND BOILERS'' after ''FURNACES'';

(2) in paragraph (1), by striking ''except that'' and all that follows through ''(B)'' and inserting ''except that'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water.	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam ..	80%	No Constant Burning Pilot
Oil Hot Water.	84%	Automatic Means for Adjusting Temperature
Oil Steam ...	82%	None
Electric Hot Water.	None	Automatic Means for Adjusting Temperature
Electric Steam.	None	None

''(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil and electric hot water boiler, except boilers equipped with tankless domestic water heating coils, with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) SINGLE INPUT RATE.—For a boiler that fires at one input rate this requirement may be satisfied by providing an automatic means that allows the burner or heating element to fire only when such means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clause (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.''.

SEC. 9004. REGIONAL VARIATIONS IN HEATING OR COOLING STANDARDS.

(a) CONSUMER APPLIANCES.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6925(o)) is amended by adding at the end the following new paragraph:

''(6)(A) The Secretary may establish regional standards for space heating and air conditioning products, other than window-unit air-conditioners and portable space heaters. For each space heating and air conditioning product, the Secretary may establish a national minimum standard and two more stringent regional standards for regions determined to have significantly differing climatic conditions. Any standards set for any such region shall achieve the maximum level of energy savings that are technically feasible and economically justified within that region. As a preliminary step to determining the economic justifiability of establishing any such regional standard, the Secretary shall conduct a study involving stakeholders, including but not limited to a representative from the National Institute of Standards and Technology; representatives of nongovernmental advocacy organizations; representatives of product manufacturers, distributors, and installers; representatives of the gas and electric utility industries; and such other individuals as the Secretary may designate. Such study shall determine the potential benefits and consequences of prescribing regional standards for heating and cooling products, and may, if favorable to such standards, constitute the evidence of economic justifiability required under this Act. Regional boundaries shall follow State borders and only include contiguous States (except Alaska and Hawaii), except that on the request of a State, the Secretary may divide that State to include a part of that State in each of two regions.

''(B) If the Secretary establishes regional standards, it shall be unlawful under section 332 to offer for sale at retail, sell at retail, or install noncomplying products except within the specified regions.

''(C)(i) Except as provided in clause (ii), no product manufactured to a regional standard established pursuant to subparagraph (A) shall be distributed in commerce without a prominent label affixed to the product which includes at the top of the label, in print of not less than 14-point type, the following: 'It is a violation of Federal law for this product to be installed in any State outside the region shaded on the map printed on this label.'. Below this notice shall appear a map of the United States with clearly defined State boundaries and names, and with all States in which the product meets or exceeds the standard established pursuant to subparagraph (A) shaded in a color or a manner as to be easily visible without obscuring the State boundaries and names. Below the map shall be printed on each label the following: 'It is a violation of Federal law for this label to be removed, except by the owner and legal resident of any single-family home in which this product is installed.'.

''(ii) A product manufactured that meets or exceeds all regional standards established under this paragraph shall bear a prominent label affixed to the product which includes at the top of the label, in print of not less than 14-point type the following: 'This product has achieved an energy efficiency rating under Federal law allowing its installation in any State.'.

''(D) Manufacturers of space heating and air conditioning equipment subject to regional standards established under this paragraph shall obtain and retain records on the intended installation locations of the equipment sold, and shall make such records available to the Secretary on request.''.

(b) INDUSTRIAL EQUIPMENT.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by adding at the end the following new paragraph:

''(10)(A) The Secretary may establish regional standards for space heating and air conditioning products subject to this subsection. For each space heating and air conditioning product, the Secretary may establish a national minimum standard and two more stringent regional standards for regions determined to have significantly differing climatic conditions. Any standards set for any such region shall achieve the maximum level of energy savings that are technically feasible and economically justified within that region. Regional boundaries shall follow State borders and only include contiguous States (except Alaska and Hawaii), except that on the request of a State, the Secretary may divide that State to include a part of that State in each of two regions.

''(B) If the Secretary establishes regional standards, it shall be unlawful under section 345 to offer for sale at retail, sell at retail, or install noncomplying products except within the specified regions.

''(C) Manufacturers of space heating and air conditioning equipment subject to regional standards established under this paragraph shall obtain and retain records on the intended installation locations of the equipment sold, and shall make such records available to the Secretary on request.''.

SEC. 9005. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 9006. EXPEDITING APPLIANCE STANDARDS RULEMAKINGS.

(a) DIRECT FINAL RULE.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding a new paragraph (4) as follows:

''(4) If manufacturers of any type (or class) of covered products or covered equipment, States, and efficiency advocates, or persons determined by the Secretary to fully represent such parties, submit to the Secretary a joint recommendation of an energy or water conservation standard and the Secretary determines that the recommended standard complies with subsection (o) or section 342(a)(6)(B), as applicable, to that type (or class) of covered products or covered equipment to which the standard would apply, the Secretary may then issue a direct final rule including the standard recommended. If the Secretary determines that a direct final rule cannot be issued based on such a submitted joint recommendation, the Secretary shall publish a determination with an explanation as to why the joint recommendation does not comply with this paragraph. For purposes of this paragraph, the term 'direct final rule' means a final rule published the same day with a parallel notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard set forth in the final rule. There shall be a 110-day period for public comment with respect to the direct final rule. Not later than 10 days after the expiration of such 110-day period, the Secretary shall publish a notice responding to comments received with respect to the direct final rule. The Secretary shall withdraw a direct final rule promulgated pursuant to this paragraph within 120 days after publication in the Federal Register if the Secretary receives, with respect to the direct final rule, one or more adverse public comments or any alternate joint recommendation and, based on the rulemaking record, the Secretary determines that such adverse comments or alternate joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any applicable law. In such a case, the Secretary shall then proceed with the parallel notice of proposed rulemaking, and shall identify in a notice published in the Federal Register the reasons for the withdrawal of the direct final rule. A direct final rule that is withdrawn in accordance with this paragraph shall not be considered final for purposes of subsection (o)(1) of this section. No person shall be found in violation of this part for noncompliance with a direct final rule that is withdrawn under this paragraph, if that person has complied with the applicable standard in effect under this part immediately prior to issuance of that direct final rule.''.

(b) CONFORMING AMENDMENT.— Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended by inserting after ''section'' the first time it appears ''325(p)(5), section''.

SEC. 9007. CORRECTION OF LARGE AIR CONDITIONER RULE ISSUANCE CONSTRAINT.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding the following new paragraphs at the end:

''(22) The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment; factory assembled as a single package having its major components arranged vertically, which is an encased combination of cooling and optional heating components, is intended for exterior mounting on, adjacent interior to, or through an outside wall; and is powered by a single- or three-phase current. It may contain separate indoor grille(s), outdoor louvers, various ventilation options, indoor free air discharge, ductwork, well plenum, or sleeve. Heating components may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

''(23) The term 'single package vertical heat pump' means a single package vertical air conditioner that utilizes reverse cycle refrigeration as its primary heat source, that may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.''.

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in each of paragraphs (1) and (2), by inserting after ''heating equipment'' in the first sentence '', including single package vertical air conditioners and single package vertical heat pumps,'';

(2) in paragraph (1), by striking ''but before January 1, 2010,'';

(3) in each of paragraphs (7), (8), and (9), by inserting after ''heating equipment'' in the first sentence '', excluding single package vertical air conditioners and single package vertical heat pumps,'';

(4) in paragraph (7)—

(A) by striking ''manufactured on or after January 1, 2010,'';

(B) in each of subparagraphs (A), (B), and (C), by striking ''The'' and inserting ''For equipment manufactured on or after January 1, 2010, the''; and

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

''(D) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, the minimum seasonal energy efficiency ratio of air-cooled three-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0.

''(E) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, minimum seasonal energy efficiency ratio of air-cooled three-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0.

''(F) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7.

''(G) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, the minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7.''; and

(5) by adding the following new paragraphs at the end:

''(11) Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

''(A) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

''(B) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0.

''(C) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

''(D) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

''(E) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0; and the minimum coefficient of performance in the heating mode shall be 3.0.

''(F) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0; and the minimum coefficient of performance in the heating mode shall be 3.0.

''(G) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9; and the minimum coefficient of performance in the heating mode shall be 3.0.

''(H) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6; and the minimum coefficient of performance in the heating mode shall be 2.9.

''(12) Not later than 36 months after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps according to the procedures established in paragraph (6).''.

SEC. 9008. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause; or

''(II) as part of a consensus agreement under section 325(p)(5); and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.''.

SEC. 9009. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended to read as follows:

''(m) FURTHER RULEMAKING.—(1) Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish either—

''(A) a notice of the Secretary's determination that standards for that product do not need to be amended, based on the criteria in subsection (n)(2); or

''(B) a notice of proposed rulemaking including new proposed standards based on the criteria in subsection (o) and the procedures in subsection (p).

In either case, the Secretary shall also publish a notice stating that the Department's analysis is publicly available, and provide opportunity for written comment.

''(2) Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product. Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under paragraph (1)(A) or (B).

''(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 3 years after publication of the final rule establishing a standard, except that a manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required within the prior 6 years.

''(4) The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

''(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action set forth in this section; and

''(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No.05 Civ. 7807 and No.05 Civ. 7808.''.

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by amending the remainder of the paragraph to read as follows:

''(6)(A) If ASHRAE/IES Standard 90.1 is amended with respect to any small, large, or very large commercial package air conditioning and heating equipment, packaged

terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, the Secretary shall within 6 months publish in the Federal Register for public comment an analysis of the energy savings potential of the amended energy efficiency standards. The Secretary shall establish an amended uniform national standard for that product at the minimum level for each effective date specified in the amended ASHRAE/IES Standard 90.1 within 18 months of the ASHRAE amendment's publication, unless the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than such amended ASHRAE/IES Standard 90.1 for such product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(B) If the Secretary issues a rule containing such a determination, the rule shall establish such amended standard, and shall be issued within 30 months of the ASHRAE amendment's publication.

''(C)(i) Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish either—

''(I) a notice of the Secretary's determination that standards for that product do not need to be amended, based on the criteria in subparagraph (A); or

''(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures in subparagraph (B). In either case, the Secretary shall also publish a notice stating that the Department's analysis is publicly available, and provide opportunity for written comment.

''(ii) Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product. Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under clause (i)(I) or (II).

''(iii) An amendment prescribed under this subparagraph shall apply to products manufactured after a date which is 3 years after publication of the final rule establishing a standard, except that a manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required within the prior 6 years.

''(iv) The Secretary shall promptly submit to the House Committee on Energy and Commerce and to the Senate Committee on Energy and Natural Resources a progress report every 180 days on compliance with this paragraph, including a specific plan to remedy any failures to comply with deadlines for action set forth in this paragraph.''.

SEC. 9010. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6923(b)(1)(A)) is amended by striking ''The Secretary may'' and all that follows through ''paragraph (3)'' and inserting ''At least every 7 years the Secretary shall review test procedures for all covered products and shall—

''(i) amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure''.

(b) INDUSTRIAL EQUIPMENT.—Section 343(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)(1)) is amended by striking ''The Secretary may'' and all that follows through ''this section'' and inserting ''At least every 7 years the Secretary shall conduct an evaluation of each class of covered equipment and—

''(A) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for such class in accordance with the provisions of this section; or

''(B) shall publish notice in the Federal Register of any determination not to amend a test procedure''.

SEC. 9011. FURNACE FAN STANDARD PROCESS.

Section 325(f)(4)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)(D)), as redesignated by section 9003(3) of this Act, is amended—

(1) by striking ''may'' and inserting ''shall''; and

(2) by inserting ''not later than July 1, 2013'' after ''duct work''.

SEC. 9012. TECHNICAL CORRECTIONS.

(a) Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58) is amended by striking ''C78.1–1978(R1984)'' and inserting ''C78.3–1978(R1984)''.

(b) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 135(c)(4) of the Energy Policy Act of 2005) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking ''CEILING FANS AND'';

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting ''fans sold for'' before ''outdoor''; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)'';

(ii) by striking clause (ii) and inserting the following:

''(ii) shall be packaged with lamps to fill all sockets.'';

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking ''327'' the second place it appears and inserting ''324''.

SEC. 9013. ENERGY EFFICIENT STANDBY POWER DEVICES.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term ''agency'' includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an agency purchases an eligible product, the agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall compile a list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

SEC. 9014. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36) by inserting ''(A)'' before the text and adding at the end the following:

''(B) The term 'class A external power supply' means a device that—

''(i) is designed to convert line voltage AC input into lower voltage AC or DC output;

''(ii) is able to convert to only one AC or DC output voltage at a time;

''(iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

''(iv) is contained in a separate physical enclosure from the end-use product;

''(v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord or other wiring; and

''(vi) has nameplate output power less than or equal to 250 watts.

''(C) The term 'class A external power supply' does not include any device that—

''(i) requires Federal Food and Drug Administration listing and approval as a medical device, as described under section 513 of the Food, Drug, and Cosmetic Act of 1938; or

''(ii) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

''(D) The term 'active mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

''(E) The term 'no-load mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load.''

(2) by adding at the end the following:

''(52) The term 'detachable battery' means a battery that is contained in a separate enclosure from the product and is intended to be removed or disconnected from the product for recharging.''.

(b) Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended in subsection (b) by adding at the end the following:

''(17) Test procedures for class A external power supplies shall be based upon the U.S. Environmental Protection Agency's 'Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies', August 11, 2004, provided that the test voltage specified in section 4(d) of such test method shall be only 115 volts, 60 Hz.''.

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

in subsection (u) by adding at the end the following:

''(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

''(A) Class A external power supplies manufactured on or after July 1, 2008 (or the date of enactment of this paragraph, if later) shall meet the following standards:

''Active Mode	
''Nameplate Output	Required Efficiency (decimal equivalent of a percentage)
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
''No-Load Mode	
''Nameplate Output	Maximum Consumption
Not more than 250 watts	0.5 watts

''(B) Notwithstanding paragraph (A), any class A external power supply manufactured on or after July 1, 2008, and before July 1, 2015, and made available by the manufacturer as a service part or a spare part for an end-use product—

''(i) that constitutes the primary load; and

''(ii) was manufactured before July 1, 2008,

shall not be subject to the requirements of paragraph (A).

''(C) Any class A external power supply manufactured on or after July 1, 2008 (or the date of enactment of this paragraph, if later) shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External AC-DC and AC-AC Power Supplies, version 1.1' published by the Environmental Protection Agency.

''(D)(i) Not later than July 1, 2011 the Secretary shall publish a final rule to determine whether the standards established under paragraph (A) should be amended. Such rule shall provide that any amended standard shall apply to products manufactured on or after July 1, 2013.

''(ii) Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards established under paragraph (A) should be amended. Such rule shall provide that any amended standard shall apply to products manufactured on or after July 1, 2017.

''(7) An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which it is connected.''.

SEC. 9015. STANDBY MODE.

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

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraph (5), and paragraphs (6) and (7) (as added by this Act) as paragraphs (2), (3), and (4), respectively; and

(2) by adding at the end the following new subsection:

''(ii) STANDBY MODE ENERGY USE.—

''(1) DEFINITIONS.—

''(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), the definitions in this subsection, for the purpose of this subsection, shall apply:

''(i) The term 'active mode' means the condition in which an energy using product is connected to a mains power source, has been activated, and provides one or more main functions.

''(ii) The term 'off mode' means the condition in which an energy using product is connected to a mains power source and is not providing any standby or active mode function.

''(iii) The term 'standby mode' means the condition in which an energy using product is connected to a mains power source and offers one or more of the following user oriented or protective functions:

''(I) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

''(II) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

''(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

''(2) TEST PROCEDURES.—(A) Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

''(i) the current test procedures for a covered product already fully account for and incorporate its standby mode and off mode energy consumption; or

''(ii) such an integrated test procedure is technically infeasible for a particular covered product, whereupon the Secretary shall promulgate a separate standby mode and off mode energy use test procedure for such product, if technically feasible.

''(B) The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

''(i) December 31, 2008, for battery chargers and external power supplies.

''(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

''(iii) June 30, 2009, for residential clothes washers.

''(iv) September 30, 2009, for residential furnaces and boilers.

''(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

''(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

''(C) The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of such amended test procedures.

''(3) INCORPORATION INTO STANDARD.—Based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), where feasible. Where not feasible, the Secretary shall promulgate within such final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).''.

SEC. 9016. BATTERY CHARGERS.

Section 325(u) is amended—

(1) in paragraph (1)(E)(i)—

(A) by inserting ''(I)'' after ''(E)(i)'';

(B) by striking ''battery chargers and'' each place it appears; and

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

''(II) Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.''; and

(2) in paragraph (4), by striking ''3 years'' and inserting ''2 years''.

SEC. 9017. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

''(G) Walk-in coolers and walk-in freezers.'';

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

''(20) The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed storage space refrigerated to temperatures, respectively, above and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3000 square feet. These terms exclude products designed and marketed exclusively for medical, scientific, or research purposes.''.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—(1) Each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall meet the following specifications:

''(A) Have automatic door closers that firmly close all walk-in doors that have been closed to within one inch of full closure. This requirement does not apply to doors wider than 3 feet 9 inches or taller than 7 feet.

''(B) Have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open.

''(C) Contain wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers. Door insulation requirements do not apply to glazed portions of doors, nor to structural members.

''(D) Contain floor insulation of at least R-28 for freezers.

''(E) For evaporator fan motors of under one horsepower and less than 460 volts, use either—

''(i) electronically commutated motors (brushless direct current motors); or

''(ii) three-phase motors.

The portion of the requirement for electronically commuted motors shall take effect January 1, 2009, unless, prior to this date, the Secretary determines that such motors are only available from one manufacturer. The Secretary may also allow other types of motors if the Secretary determines that, on average, these other motors use no more energy in evaporator fan applications than electronically commutated motors. The Secretary shall establish this maximum energy

consumption level no later than January 1, 2010.

''(F) For condenser fan motors of under one horsepower, use—

''(i) electronically commutated motors;

''(ii) permanent split capacitor-type motors; or

''(iii) three-phase motors.

''(G) For all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any). Light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied.

''(2) Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

''(A) Transparent reach-in doors and windows in walk-in doors for walk-in freezers shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

''(B) Transparent reach-in doors for walk-in coolers and windows in walk-in doors shall be either—

''(i) double-pane glass with heat-reflective treated glass and gas fill; or

''(ii) triple pane glass with either heat-reflective treated glass or gas fill.

''(C) If the appliance has an antisweat heater without antisweat heat controls, then the appliance shall have a total door rail, glass, and frame heater power draw of no more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

''(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), then the antisweat heat controls shall reduce the energy use of the antisweat heater in an amount corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

''(3) Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy which the Secretary determines is technologically feasible and economically justified. Such standards shall apply to products manufactured three years after the final rule is published unless the Secretary determines, by rule, that three years is inadequate, in which case the Secretary may set an effective date for products manufactured no greater than five years after the date of publication of a final rule for these products.

''(4) Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (3) should be amended. The rule shall provide that such standards shall apply to products manufactured three years after the final rule is published unless the Secretary determines, by rule, that three years is inadequate, in which case the Secretary may set an effective date for products manufactured no greater than five years after the date of publication of a final rule for these products.''.

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

''(9) For walk-in coolers and walk-in freezers:

''(A) R value is defined as 1/K factor multiplied by the thickness of the panel. K factor shall be based on ASTM test procedure C518-2004. For calculating R value for freezers, the K factor of the foam at 20F (average foam temperature) shall be used. For calculating R value for coolers the K factor of the foam at 55F (average foam temperature) shall be used.

''(B) Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers. Such test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.''.

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting ''walk-in coolers and walk-in freezers,'' after ''commercial clothes washers,'' each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316), is amended—

(1) by striking ''subparagraphs (B), (C), (D), (E), and (F)'' and inserting ''subparagraphs (B), (C), (D), (E), (F), and (G)'' each place it appears; and

(2) by adding at the end the following:

''(h)(1)(A)(i) Except as provided in clause (ii) and paragraphs (2) and (3), section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1) and (2) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

''(ii) Any State standard issued before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

''(B) In applying section 327 to the equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

''(2)(A) If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time frame specified in section 342(f)(3) or (4), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

''(B) Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

''(3) Any standard issued in the State of California before January 1, 2011, under Title 20 of the California Code of Regulations, which refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1) and (2) of section 342(f), shall not be preempted until the standards established under paragraph (3) of section 342(f) take effect.''.

PART 2—LIGHTING EFFICIENCY

SEC. 9021. EFFICIENT LIGHT BULBS.

(a) PROHIBITION.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall issue regulations—

(A) prohibiting the sale of 100 watt general service incandescent lamps after January 1, 2012, unless those lamps emit at least 60 lumens per watt;

(B) prohibiting the sale of general service lamps manufactured after the effective dates shown in the table below that do not meet the minimum efficacy levels (lumens/watt) shown in the following table:

Minimum Efficacy Levels and Effective Dates

Lumen Range (Lumens)	Minimum Efficacy (Lumens/Watt)	Effective Dates
200-449	15	1/1/2014
450-699	17	1/1/2014
700-999	20	1/1/2013
1000-1500	22	1/1/2012
1501-3000	24	1/1/2012

(C) after January 1, 2020, prohibiting the sale of general service lamps that emit less than 300 percent of the average lumens per watt emitted by 100 watt incandescent general service lamps that are commercially available as of the date of enactment of this Act;

(D) establishing a minimum color rendering index (CRI) of 80 or higher for all general service lamps manufactured as of the effective dates in subparagraph (B); and

(E) prohibiting the manufacture or import for sale in the United States of an adapter device designed to allow a lamp with a different base to fit into a medium screw base socket manufactured after January 1, 2009.

(2) EXEMPTIONS.—The regulations issued under paragraph (1) shall include procedures for the Secretary to exempt specialty lamps from the requirements of paragraph (1). The Secretary may provide such an exemption only in cases where the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application, such as a military, medical, public safety application, or in certified historic lighting applications using bulbs that meet the requirements of paragraph (1). In addition, the Secretary shall include as an additional criterion that exempted products are unlikely to be used in the general service lighting applications.

(3) ADDITIONAL LAMPS TYPES.—

(A) Manufacturers of rough service, vibration service, vibration resistant, appliance, shatter resistant, and three-way lamps shall report annual sales volume to the Secretary. If the Secretary determines that annual sales volume for any of these lamp types increases by 100 percent relative to 2009 sales in any later year, then such lamps shall by subject to the following standards:

(i) Appliance lamps shall use no more than 40 watts.

(ii) Rough service lamps shall use no more than 40 watts.

(iii) Vibration service and vibration resistant lamps shall use no more than 40 watts.

(iv) Three-way lamps shall comply with the standards in paragraph (1) at each level of rated lumen output.

(B) Rough service, vibration service, vibration resistant, appliance, shatter resistant, and three-way lamps shall be available for sale at retail in single packs only.

(4) CIVIL PENALTY.—The Secretary of Energy shall include in regulations under this subsection a schedule of appropriate civil penalties for violations of the prohibitions under this subsection. Such penalties shall be in an amount sufficient to ensure compliance with this section.

(5) STATE PREEMPTION.—State standards for general service lamps are preempted as of the date of enactment of this Act, except—

(A) any State standard already enacted or adopted as of the date of enactment of this Act may be enforced until the Federal effective dates for each lamp category, and such States may modify existing State standards for general service lamps to conform with the standards in paragraph (1) at any time;

(B) any State standard identical to the standards in paragraph (1)(B) with an effective date no sooner than January 1, 2015; and

(C) any State standard identical to Federal standards, after such Federal standards are in effect.

(6) DEFINITIONS.—For purposes of this section, the following definitions apply:

(A) The term ''general service lamp'' means a nonreflectorized lamp that—

(i) is intended for general service applications;

(ii) has a medium screw base;

(iii) has an initial lumen output no less than 200 lumens and no more than 3000 lumens;

(iv) has an input voltage range at least partially within 110 and 130 volts;

(v) has a A–15, A–19, A–21, A–23, A–25, PS–25, PS–30, BT–14.5, BT–15, CP–19, TB–19, CA–22, or similar shape as defined in ANSI C78.20–2003; and

(vi) has a bulb finish of the frosted, clear, soft white, modified spectrum, enhanced spectrum, full spectrum, or equivalent type. The following incandescent lamps are not general service lamps: appliance, black light, bug, colored, infrared, left-hand thread, marine, marine signal service, mine service, plant light, reflector, rough service, shatter resistant, sign service, silver bowl, three-way, traffic signal, and vibration service or vibration resistant.

(B) The term ''appliance lamp'' means any lamp specifically designed to operate in a household appliance. Examples of appliance lamps include oven lamps, refrigerator lamps, and vacuum cleaner lamps.

(C) The term ''black light lamp'' means a lamp that emits radiant energy in the UV–A band (315-400 nm) and is designated and marketed as a ''black light''.

(D) The term ''bug lamp'' means a lamp that contains a filter to suppress the blue and green portions of the visible spectrum and is designated and marketed as a ''bug light''.

(E) The term ''colored incandescent lamp'' means an incandescent lamp designated and marketed as a colored lamp that has a CRI of less than 50, as determined according to the test method given in CIE publication 13.2, and has a correlated color temperature less than 2,500K, or greater than 4,600K, where correlated color temperature is defined as the absolute temperature of a blackbody whose chromaticity nearly resembles that of the light source.

(F) The term ''infrared lamp'' means a lamp that radiates predominately in the infrared region of the electromagnetic spectrum, and where visible radiation is not of principal interest.

(G) The term ''lamp'' means an electrical appliance that includes a glass envelope and produces optical radiation for the purpose of visual illumination, designed to be installed into a luminaire by means of an integral lamp-holder. Types of lamps include incandescent, fluorescent, and high intensity discharge (high pressure sodium and metal halide).

(H) The term ''left-handed thread lamp'' means a lamp on which the base screws into a lamp socket in a counter-clockwise direction, and screws out of a lamp socket in a clockwise direction.

(I) The term ''marine lamp'' means a lamp specifically designed and marketed to operate in a marine application.

(J) The term ''marine signal service lamp'' means a lamp specifically designed to provide signals to marine vessels for seaway safety.

(K) The term ''mine service lamp'' means a lamp specifically designed and marketed for use in mine applications.

(L) The term ''plant light lamp'' means a lamp that contains a filter to suppress yellow and green portions of the spectrum and is designated and marketed as a ''plant light''.

(M) The term ''rough service lamp'' means a lamp that has a minimum of 5 supports with filament configurations similar to but not limited to C7A, C11, C17, and C22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, where lead wires are not counted as supports and that is designated and marketed specifically for ''rough service'' applications.

(N) The term ''shatter resistant lamp'' means a lamp with an external coating on the bulb wall to resist breakage and which is designated and marketed as a shatter resistant lamp.

(O) The term ''showcase lamp'' means a lamp that has a tubular bulb with a conventional screw base and which is designated and marketed as a showcase lamp.

(P) The term ''sign service lamp'' means a lamp of the vacuum type or gas-filled with sufficiently low bulb temperature to permit exposed outdoor use on high-speed flashing circuits. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being a sign service lamp.

(Q) The term ''silver bowl lamp'' means a lamp that has a reflective coating applied directly to part of the bulb surface and that reflects light in a backward direction toward the lamp base. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being a silver bowl lamp or similar designation.

(R) The term ''three-way lamp'' means a lamp that employs two filaments, operated separately and in combination, to provide three light levels. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being a three-way lamp.

(S) The term ''traffic signal lamp'' means a lamp that is designed with lifetime, wattage, focal length, filament configuration, mounting, lamp glass, and lamp base characteristics appropriate for use in traffic signals.

(T) The term ''vibration service lamp'' or ''vibration resistant lamp'' means a lamp with filament configurations similar to but not limited to C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook. The lamp is designated and marketed specifically for vibration service or vibration resistant applications. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being vibration resistant or vibration service.

(b) INCENTIVE PLAN AND PUBLIC EDUCATION.—

(1) INCENTIVE PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for encouraging and providing incentives for the domestic production of light bulbs by United States manufacturers that meet the efficacy levels shown in the table in subsection (a)(1)(B).

(2) LABELING RULEMAKING.—The Federal Trade Commission shall conduct a rulemaking to consider the effectiveness of current lamp labeling requirements and to consider alternative labeling approaches that will help consumers to understand new high-efficiency lamp products. Such labeling shall include, at a minimum, information on lighting output (lumens), input power (watts), efficiency (lumens per watt), lamp rated lifetime (hours), annual or lifetime energy operating cost, and any hazardous materials (such as mercury) that may be contained in lamp products. The Federal Trade Commission shall complete this rulemaking within one year after the date of enactment of this Act.

(3) NATIONAL SALES DATA TRACKING SYSTEM.—The Secretary of Energy shall develop and implement within one year after the date of enactment of this Act a national sales data tracking system in conjunction with the National Electrical Manufacturers Association and other stakeholders for lamp technologies, including Light Emitting Diodes, halogens, incandescents, and compact fluorescent lamps.

(c) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of general service lamps.

SEC. 9022. INCANDESCENT REFLECTOR LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is greater than 40 watts.''; and

(2) by adding at the end the following:

''(53) The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(54)(A) The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21.

''(B) The term 'BR30' refers to a BR incandescent reflector lamp with a diameter of 30/8ths of an inch and the term 'BR40' refers to a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55)(A) The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) The term 'ER30' refers to an ER incandescent reflector lamp with a diameter of 30/8ths of an inch and the term 'ER40' refers to an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(56) The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as specified in subparagraphs (C) and (D), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp, as specified in the table, that follows the date of enactment of the Energy Efficiency Improvement Act of 2007.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less of the following types: ER30, BR30, BR40, and ER40 lamps.

''(ii) Lamps rated at 65 watts of the following types: BR30, BR40, and ER40 lamps.

''(iii) R20 incandescent reflector lamps of 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—Except as provided in subparagraph (A), the standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 9023. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.

(a) IN GENERAL.—Chapter 33 of title 40, United States Code, is amended—

(1) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(2) by inserting after section 3312 the following:

''§ 3313. Use of energy efficient lighting fixtures and bulbs

''(a) CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS.—Each public building constructed or significantly altered by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible as determined by the Administrator, with a lighting fixture or bulb that is energy efficient.

''(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

''(1) the life cycle cost effectiveness of the fixture or bulb;

''(2) the compatibility of the fixture or bulb with existing equipment;

''(3) whether use of the fixture or bulb could result in interference with productivity;

''(4) the aesthetics relating to use of the fixture or bulb; and

''(5) such other factors as the Administrator determines appropriate.

''(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

''(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

''(2) in the case of all LED luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if these luminaires, lamps, and systems have not received such certification; or

''(3) the Administrator has otherwise determined that the fixture or bulb is energy efficient.

''(e) SIGNIFICANT ALTERATIONS.—A public building shall be treated as being significantly altered for purposes of subsection (a) if the alteration is subject to congressional approval under section 3307.

''(f) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 40, United States Code, is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

''3313. Use of energy efficient lighting fixtures and bulbs.
''3314. Delegation.
''3315. Report to Congress.
''3316. Certain authority not affected.''.

SEC. 9024. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

''(57) The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

''(58) The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

''(59) The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

''(60) The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

''(61) The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse start metal halide lamp with high voltage pulses. Lamps are started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge. To complete the starting process, power is provided by the ballast to sustain the discharge through the glow-to-arc transition.

''(62) The term 'probe-start metal halide ballast' means a ballast that starts a probe start metal halide lamp which contains a third starting electrode (probe) in the arc tube. This ballast does not generally contain an igniter and instead starts lamps with high ballast open circuit voltage.

''(63) The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

''(64) The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

''(65) The term 'ballast efficiency' for a high intensity discharge fixture means the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated by Efficiency = Pout/Pin, as measured. Pout is the measured operating lamp wattage, and Pin is the measured operating input wattage. The lamp, and the capacitor when it is provided, is to constitute a nominal system in accordance with the ANSI Standard C78.43-

2004. Pin and Pout are to be measured after lamps have been stabilized according to Section 4.4 of ANSI Standard C82.6-2005 using a wattmeter with accuracy specified in Section 4.5 of ANSI Standard C82.6-2005 for ballasts with a frequency of 60 Hz, and shall have a basic accuracy of ± 0.5 percent at the higher of—

''(A) three times the output operating frequency of the ballast; or

''(B) 2 kHz for ballast with a frequency greater than 60 Hz.

The Secretary may, by rule, modify this definition if he determines that such modification is necessary or appropriate to carry out the purposes of this Act.''.

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

''(19) Metal halide lamp fixtures.''.

(c) TEST PROCEDURES.—Section 323(c) of the Energy Policy and Conservation Act (42 U.S.C. 6293(c)) is amended by adding at the end the following:

''(17) Test procedures for metal halide lamp ballasts shall be based on American National Standards Institute Standard C82.6-2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.''.

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) The Commission shall prescribe labeling rules under this section applicable to the covered product specified in paragraph (19) of section 322(a) and to which standards are applicable under section 325. Such rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or nine months after enactment of this subparagraph, will indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in such fixture.''.

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

(1) by redesignating subsection (gg) as subsection (hh);

(2) by inserting after subsection (ff) the following:

''(gg) METAL HALIDE LAMP FIXTURES.—

''(1)(A) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

''(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

''(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

''(iii) a non-pulse-start electronic ballast with a minimum ballast efficiency of 92 percent for wattages greater than 250 watts and a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

''(B) The standards in subparagraph (A) do not apply to fixtures with regulated lag ballasts, fixtures that use electronic ballasts that operate at 480 volts, or fixtures that meet all of the following criteria:

''(i) Rated only for 150 watt lamps.

''(ii) Rated for use in wet locations as specified by the National Electrical Code 2002, Section 410.4(A).

''(iii) Contain a ballast that is rated to operate at ambient air temperatures above 50° C as specified by UL 1029-2001.

''(C) The standard in subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of January 1, 2009, or 9 months after the date of enactment of this subsection.

''(2) Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended. Such final rule shall contain the amended standards, if any, and shall apply to products manufactured after January 1, 2015.

''(3) Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended. Such final rule shall contain the amended standards, if any, and shall apply to products manufactured after January 1, 2022.

''(4) Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements.''; and

(3) in subsection (hh), as so redesignated by paragraph (1) of this subsection, by striking ''(ff)'' both places it appears and inserting ''(gg)''.

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) by striking the period at the end of paragraph (8)(B) and inserting ''; and''; and

(2) by adding at the end the following:

''(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011. If the Secretary fails to issue a final rule within 6 months after the deadlines for rulemakings in section 325(gg) then, notwithstanding any other provision of this section, preemption does not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before July 1, 2015, if the Secretary misses the deadline specified in paragraph (2) of section 325(gg), or on or before July 1, 2022, if the Secretary misses the deadline specified in paragraph (3) of section 325(gg).''.

PART 3—RESIDENTIAL BUILDING EFFICIENCY

SEC. 9031. ENCOURAGING STRONGER BUILDING CODES.

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) UPDATING NATIONAL MODEL BUILDING ENERGY CODES.—(1) The Secretary shall support updating the national model building energy codes and standards at least every three years to achieve overall energy savings, compared to the 2006 IECC for residential buildings and ASHRAE Standard 90.1 2004 for commercial buildings, of at least—

''(A) 30 percent by 2010;

''(B) 50 percent by 2020; and

''(C) targets to be set by the Secretary in intermediate and subsequent years, at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective.

''(2)(A) Whenever the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall, not later than 6 months after the date of such revision, determine—

''(i) whether such revision will improve energy efficiency in buildings; and

''(ii) whether such revision will meet the targets under paragraph (1).

''(B) If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the targets under paragraph (1), or if a national model code or standard is not updated for more than three years, then the Secretary shall within 12 months propose a modified code or standard that meets such targets. Any such modified code or standard shall achieve the maximum level of energy savings that are technically feasible and economically justified, incorporating available appliances, technologies, materials, and construction practices. The modified code or standard shall serve as the baseline for the next determination under subparagraph (A)(i).

''(C) The Secretary shall provide the opportunity for public comment on targets, determinations, and modified codes and standards under this subsection, and shall publish notice of targets, determinations, and modified codes and standards under this subsection in the Federal Register.

''(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—(1) Not later than 2 years after the date of enactment of the Energy Efficiency Improvement Act of 2007, each State shall certify to the Secretary that it has reviewed and updated the provisions of its residential and commercial building codes regarding energy efficiency. Such certification shall include a demonstration that such State's code provisions meet or exceed the 2006 IECC for residential buildings and the ASHRAE Standard 90.1–2004 for commercial buildings, or achieve equivalent or greater energy savings.

''(2)(A) If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or proposes a modified code or standard under subsection (a)(2)(B), each State shall within 2 years certify that it has reviewed and updated the provisions of its building code regarding energy efficiency. Such certification shall include a demonstration that such State's code provisions meet or exceed the revised code or standard, or achieve equivalent or greater energy savings.

''(B) If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or makes a negative determination, each State shall within 2 years after the specified date or the date of the determination, certify that it has reviewed the revised code or standard, and updated the provisions of its building code regarding energy efficiency to meet or exceed any provisions found to improve energy efficiency in buildings, or to achieve equivalent or greater energy savings in other ways.

''(c) STATE CERTIFICATION OF COMPLIANCE WITH BUILDING CODES.—(1) Each State shall, not later than 3 years after a certification under subsection (b), certify that it has achieved compliance with the certified building energy code. Such certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the code in the preceding year.

''(2) A State shall be considered to achieve compliance under paragraph (1) if—

''(A) at least 90 percent of new and renovated buildings covered by the code in the preceding year substantially meet all the requirements of the code; or

''(B) the estimated excess energy use of new and renovated buildings that did not meet the code in the preceding year, compared to a baseline of comparable buildings that meet the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the code in the preceding year.

''(d) FAILURE TO MEET DEADLINES.—(1) The Secretary shall permit extensions of the deadlines for the certification requirements under subsections (b) and (c) of this section for up to 1 year if a State can demonstrate that it has made a good faith effort to comply with such requirements and that it has made significant progress in doing so.

''(2) Any State for which the Secretary has not accepted a certification by a deadline

under subsection (b) or (c) of this section, with any extension granted under paragraph (1), is out of compliance with this section.

''(3) In any State that is out of compliance with this section, a local government may be in compliance with this section by meeting the certification requirements under subsections (b) and (c) of this section.

''(e) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide technical assistance, including building energy analysis and design tools, building demonstrations, and design assistance and training to enable the national model building energy codes and standards to meet the targets in subsection (a)(1).

''(2) The Secretary shall provide technical assistance to States to implement the requirements of this section, including procedures for States to demonstrate that their code provisions achieve equivalent or greater energy savings than the national model codes and standards, and to improve and implement State residential and commercial building energy efficiency codes or to otherwise promote the design and construction of energy efficient buildings.

''(f) AVAILABILITY OF INCENTIVE FUNDING.—(1) The Secretary shall provide incentive funding to States to implement the requirements of this section, and to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with such codes. In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall consider the actions proposed by the State to implement the requirements of this section, to improve and implement residential and commercial building energy efficiency codes, and to promote building energy efficiency through the use of such codes.

''(2) Additional funding shall be provided under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

''(A) to a State that has adopted and is implementing, on a Statewide basis—

''(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2006 IECC, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); and

''(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1-2004, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); or

''(B) in a State in which there is no Statewide energy code either for residential buildings or for commercial buildings, or where State codes fail to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

''(3) Of the amounts made available under this subsection, the Secretary may use amounts required, not exceeding $500,000 for each State, to train State and local officials to implement codes described in paragraph (2).

''(4)(A) There are authorized to be appropriated to carry out this subsection—

''(i) $25,000,000 for each of fiscal years 2008 through 2012; and

''(ii) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

''(B) Funding provided to States under paragraph (2) for each fiscal year shall not exceed one-half of the excess of funding under this subsection over $5,000,000 for the fiscal year.''.

(b) DEFINITION.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following new paragraph:

''(17) The term 'IECC' means the International Energy Conservation Code.''.

SEC. 9032. ENERGY CODE IMPROVEMENTS APPLICABLE TO MANUFACTURED HOUSING.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary of Energy shall by regulation establish standards for energy efficiency in manufactured housing. ''Such standards shall be established after notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties, and after consultation with the Secretary of Housing and Urban Development who may seek further counsel from the Manufactured Housing Consensus Committee.''ltation with the Secretary of Housing and Urban Development who may seek further counsel from the Manufactured Housing Consensus Committee.''

(b) CERTAIN REQUIREMENTS.—The regulations under subsection (a) shall be in accordance with the following:

(1) The energy conservation standards established under this subsection shall be based on the most recent version of the International Energy Conservation Code (including supplements) except where the Secretary finds that such code is not cost-effective, or a more stringent standard would be more cost-effective, based on total life-cycle construction and operating costs.

(2) The energy conservation standards established under this subsection may—

(A) take into consideration the design and factory construction techniques of manufactured homes;

(B) be based on the climate zones established by the Department of Housing and Urban Development rather than those under the International Energy Conservation Code; and

(C) provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

(3) The energy conservation standards established under this subsection shall be updated within one year after the date of enactment of this Act and within one year after any revision to the International Energy Conservation Code.

(c) ENFORCEMENT.—Any manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.

SEC. 9033. BASELINE BUILDING DESIGNS.

Section 327(f)(3)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)(3)(D)) is amended to read as follows:

''(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which—

''(i) meets but does not exceed such standard;

''(ii) is the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d) of this section; or

''(iii) is a level that, when evaluated in the baseline building design, the State has found to be feasible and cost-effective.''.

SEC. 9034. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) AMENDMENT.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008'' and inserting ''$600,000,000 for fiscal year 2007, and $750,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012. From those sums, the Secretary is authorized to initiate an Alternative Delivery System Pilot Project to examine options for decreasing energy consumption associated with heating and cooling while increasing household participation by focusing on key energy saving components. Alternative Delivery System Pilot Projects should be undertaken in both hot and cold urban areas. In implementing the Alternative Delivery System Pilot Project, the Secretary shall consider (1) the expected effectiveness and benefits of the proposed Pilot Project to low- and moderate-income energy consumers; (2) the potential for replication of successful results; (3) the impact on the energy costs of those served; and (4) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships. Funding for such projects may equal up to two percent of funding in any fiscal year, provided that no funding is utilized for such demonstrations in any fiscal year in which Weatherization appropriations are less than $275,000,000.'' after ''cold urban areas.''.

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—(1) The Secretary of Energy may make funding available to local Weatherization agencies from amounts authorized under the amendment made by subsection (a) to expand the weatherization assistance program for residential buildings to include materials, benefits, and renewable and domestic energy technologies not currently covered by the program, provided that the State Weatherization grantee has certified that the applicant has the capacity to carry out the proposed activities and that the grantee will include the project in its financial oversight of the Weatherization Assistance program.

(2) In selecting the grants, the program shall give priority to—

(A) the expected effectiveness and benefits of the proposed project to low- and moderate income energy consumers;

(B) the potential for replication of successful results;

(C) the impact on the health and safety and energy costs of those served; and

(D) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships.

(3) Funding for such projects may equal up to two percent of funding in any fiscal year, provided that no funding is utilized for Sustainable Energy Resources for Consumers grants in any fiscal year in which Weatherization appropriations are less than $275,000,000.

PART 4—COMMERCIAL AND FEDERAL BUILDING EFFICIENCY

SEC. 9041. DEFINITIONS.

In this part:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Green Building Advisory Committee established under section 9042(c)(2).

(3) COMMERCIAL DIRECTOR.—The term Commercial Director means the individual appointed to the position established under section 9043(a).

(4) CONSORTIUM.—The term ''Consortium'' means the High-Performance Green Building Partnership Consortium created in response to section 9042(c)(1) to represent the private

sector in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) FEDERAL DIRECTOR.—The term ''Federal Director'' means the individual appointed to the position established under section 9042(a).

(6) FEDERAL FACILITY.—The term ''Federal facility'' means any building that is constructed, renovated, leased, or purchased in part or in whole for use by the Federal Government.

(7) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building that, during its life-cycle, as compared with similar buildings (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency)—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality, including reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Federal Director or the Commercial Director consider to be appropriate.

(8) LIFE-CYCLE.—The term ''life-cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a high-performance green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the high-performance green building.

(9) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(10) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(11) OFFICE OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term ''Office of Commercial High-Performance Green Buildings'' refers to the office established under section 9043(a).

(12) OFFICE OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term ''Office of Federal High-Performance Green Buildings'' refers to the Office established undersection 9042(a).

(13) PRACTICES.—The term ''practices'' means design, financing, permitting, construction, commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy buildings or facilities.

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

(15) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term ''zero-net-energy commercial building'' means a commercial building that is designed, constructed, and operated to—

(A) require a greatly reduced quantity of energy to operate;

(B) meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) therefore result in no net emissions of greenhouse gases; and

(D) be economically viable.

SEC. 9042. HIGH-PERFORMANCE GREEN FEDERAL BUILDINGS.

(a) ESTABLISHMENT OF OFFICE.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish within the General Services Administration an Office of Federal High-Performance Green Buildings, and appoint an individual to serve as Federal Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this part.

(b) COMPENSATION.—The compensation of the Federal Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(c) DUTIES.—The Federal Director shall—

(1) coordinate the activities of the Office of Federal High-Performance Green Buildings with the activities of the Office of Commercial High-Performance Green Buildings;

(2) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services; and

(F) the Department of Defense;

(3) establish a senior-level Federal Green Building Advisory Committee, which shall provide advice and recommendations in accordance with subsection (d);

(4) identify and biennially reassess improved or higher rating standards recommended by the Advisory Committee;

(5) ensure full coordination of research and development information relating to Federal high-performance green building initiatives;

(6) identify and develop Federal high-performance green building standards that could be used for all types of Federal facilities;

(7) establish green practices that can be used throughout the life of a Federal facility; and

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with subsection (d).

(d) ADDITIONAL DUTIES.—The Federal Director, in coordination with the Commercial Director and the Advisory Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to high-performance green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of high-performance green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decisionmaking processes.

(e) INCENTIVES.—As soon as practicable after the date of enactment of this Act, the Federal Director shall identify incentives to encourage the use of high-performance green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future high-performance green building initiatives.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Federal Director shall submit to Congress a report that—

(1) describes the status of the Federal high-performance green building initiatives in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this part; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings;

(3) identifies inconsistencies, as reported to the Advisory Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy and environmental cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office of Federal High-Performance Green Buildings, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life-cycle costing for future high-performance green building initiatives; and

(D) identifying short-term and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (7).

(g) IMPLEMENTATION.—The Office of Federal High-Performance Green Buildings shall carry out each plan for implementation of recommendations under subsection (f)(8).

SEC. 9043. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT OF OFFICE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish within the Department of Energy, Office of Energy Efficiency and Renewable Energy, an Office of Commercial High-Performance Green Buildings, and appoint an individual to serve as Commercial Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this part.

(b) COMPENSATION.—The compensation of the Commercial Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(c) DUTIES.—The Commercial Director shall, with respect to development of high-performance green buildings and zero-energy commercial buildings nationwide—

(1) coordinate the activities of the Office of Commercial High-Performance Green Buildings with the activities of the Office of Federal High-Performance Green Buildings;

(2) develop the legal predicates and agreements for, negotiate, and establish one or more public-private partnerships with the Consortium, members of the Consortium, and other capable parties meeting the qualifications of the Consortium, to further such development;

(3) represent the public and the Department of Energy in negotiating and performing in accord with such public-private partnerships;

(4) use appropriated funds in an effective manner to encourage the maximum investment of private funds to achieve such development; and

(5) establish a national high-performance green building clearinghouse in accordance withsection 9045(1), which shall provide high-performance green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance.

(d) REPORTING.—The Commercial Director shall report directly to the Assistant Secretary for Energy Efficiency and Renewable Energy, or to other senior officials in a way that facilitates the integrated program of this part for both energy efficiency and renewable energy and both technology development and technology deployment.

(e) COORDINATION.—The Commercial Director shall ensure full coordination of high-performance green building information and activities, including activities under this part, within the Federal Government by working with the General Services Administration and all relevant agencies, including, at a minimum—

(1) the Environmental Protection Agency;

(2) the Office of the Federal Environmental Executive;

(3) the Office of Federal Procurement Policy;

(4) the Department of Energy, particularly the Federal Energy Management Program;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of Defense; and

(8) such nonprofit high-performance green building rating and analysis entities as the Commercial Director determines can offer support, expertise, and review services.

(f) HIGH-PERFORMANCE GREEN BUILDING PARTNERSHIP CONSORTIUM.—

(1) RECOGNITION.—Not later than 90 days after the date of enactment of this Act, the Commercial Director shall formally recognize one or more groups that qualify as a high-performance green building partnership consortium.

(2) REPRESENTATION TO QUALIFY.—To qualify under this section, any consortium shall include representation from—

(A) the design professions, including national associations of architects and of professional engineers;

(B) the development, construction, financial, and real estate industries;

(C) building owners and operators from the public and private sectors;

(D) academic and research organizations, including at least one national laboratory with extensive commercial building energy expertise;

(E) building code agencies and organizations, including a model energy code-setting organization;

(F) independent high-performance green building associations or councils;

(G) experts in indoor air quality and environmental factors;

(H) experts in intelligent buildings and integrated building information systems;

(I) utility energy efficiency programs; and

(J) nongovernmental energy efficiency organizations.

(3) FUNDING.—The Secretary may make payments to the Consortium pursuant to the terms of a public-private partnership for such activities of the Consortium undertaken under such a partnership as described in this part directly to the Consortium or through one or more of its members.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Commercial Director, in consultation with the Consortium, shall submit to Congress a report that—

(1) describes the status of the high-performance green building initiatives under this part and other Federal programs affecting commercial high-performance green buildings in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this part; and

(B) the status of funding requests and appropriations for those programs; and

(2) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives).

SEC. 9044. ZERO-ENERGY COMMERCIAL BUILDINGS INITIATIVE.

(a) GOAL.—The Commercial Director, in partnership with the Consortium, shall periodically study and refine a national goal to reduce commercial building energy use and achieve zero-net-energy commercial buildings. Unless the Commercial Director concludes that such targets are unachievable or unrealistic, the goal shall include objectives that—

(1) all new commercial buildings constructed after the beginning of 2025 are zero-net-energy commercial buildings;

(2) by 2035, 50 percent of the then existing stock of commercial buildings that were constructed before 2025 are zero-net-energy commercial buildings; and

(3) by 2050, all commercial buildings are zero-net-energy commercial buildings.

(b) STRATEGY.—The Commercial Director, in partnership with the Consortium, shall develop a market transformation strategy intended to achieve the adopted goal by significantly accelerating the development and widespread deployment of energy efficiency technologies, practices, and policies in both new and existing commercial buildings, and by leveraging State, utility, and private sector commercial building energy efficiency programs.

(c) INITIATIVE.—The Commercial Director, in partnership with the Consortium, shall implement an initiative to carry out the strategy that may include—

(1) support for industry efforts to develop advanced materials, equipment, controls, practices, and integrated building systems aimed at achieving zero-net-energy commercial buildings and monitoring and benchmarking commercial building energy use;

(2) training, education, and awareness programs, including—

(A) programs in cooperation with industry and professional associations and educational institutions to provide education on achieving sustainable and energy-efficient performance through proper system and structure design, construction, and operation to—

(i) architects;

(ii) mechanical, electrical, and plumbing engineers;

(iii) contractors; and

(iv) construction managers and facility managers;

(B) programs to incorporate energy efficiency and sustainability elements into architecture, engineering, and vocational training and certification curricula, including professional certification and continuing education programs; and

(C) regional and national public education campaigns to educate real estate, finance, and other commercial buildings professionals and the general public about the opportunities for energy and cost savings and associated environmental and health benefits associated with high-performance green buildings;

(3) pilot projects to demonstrate and document the performance of scalable and replicable technologies, practices, and policies to achieve high-performance green buildings and zero-net-energy commercial buildings, including—

(A) pilot projects representing each market segment or building type in each climate region that include current best practice in integrated design, technology and systems, construction, commissioning, operation, and building information management;

(B) pilot projects, in cooperation with State and local governments, in public buildings; and

(C) pilot projects, in cooperation with public school districts and colleges and universities, to—

(i) demonstrate such technologies and practices in new and existing facilities;

(ii) involve students and faculty members in integrating energy efficiency and high-performance green building concepts and measures within the educational curriculum; and

(iii) use education facilities as showcases to communicate these concepts to the community;

(4) technical assistance and funding of pilot projects for the development and use of new building energy design standards, model designs, model energy codes, and incentives and other policies, to be provided to designers, builders, developers, commercial building owners, and utility and government energy efficiency programs, including—

(A) support for code and standards organizations to develop aggressive model energy codes, beyond-code guidelines, and code compliance programs for new and existing buildings;

(B) assistance to utilities, builders, and State and local officials in developing, implementing, and evaluating pilot programs to achieve building design and actual energy performance that meet and exceed performance levels in the model energy codes; and

(C) support for development and dissemination of model programs and policies that provide incentives for high-performance green buildings, such as accelerated zoning and construction permitting and inspections, density bonuses, and State and local tax incentives;

(5) technical assistance and funding of pilot projects for innovative market-based initiatives to advance energy-efficient technologies and practices in new and existing commercial buildings, provided to State agencies, utilities, and other entities, including—

(A) design assistance and incentives for incorporating sustainability and energy efficiency beginning with the first stages of building design and continuing through start-up commissioning and long-term operation;

(B) performance-based design and construction fees for high-performance green construction and renovation;

(C) equipment leasing and financing strategies for energy efficiency upgrades of new and replacement commercial building equipment;

(D) trade-in programs for early retirement of low-efficiency commercial building equipment and system components, such as motors, air conditioners, boilers, lighting, and windows;

(E) improved methods of energy performance contracting to reduce transaction costs and encourage the use of third-party funding and expertise for energy-efficient retrofitting of existing commercial buildings;

(F) improved model protocols for commercial building energy audits, energy performance measurement and verification, continuous commissioning, and ongoing performance monitoring and diagnostics; and

(G) strategies to reduce barriers to energy efficiency investment by addressing split incentives between commercial building owners and tenants;

(6) development, dissemination, technical assistance, and pilot project activities to improve the practice of monitoring, benchmarking, and disclosure of actual commercial building energy performance and operating costs, including—

(A) improved methods of measuring and compiling energy performance data on a statistically significant share of commercial new construction, renovation, and energy retrofit projects;

(B) development and dissemination of energy performance metrics for the commercial building stock and for important subcategories of commercial buildings;

(C) improved methods of providing energy performance feedback to commercial building owners, operators, and occupants, including real-time feedback and comparisons to performance goals, past performance, and similar buildings;

(D) voluntary programs at the national, regional, and sectoral levels to recognize and reward commercial buildings with exceptional performance or performance improvement;

(E) increased availability and use of tools for post occupancy assessment of energy efficiency and occupant satisfaction with commercial high-performance green buildings, and for measuring and documenting non-energy financial and other benefits of such buildings;

(7) in cooperation with the Energy Information Administration and with utility, State, and private sector organizations, development and application of improved methods for assessing trends in the energy performance of the commercial buildings stock, new construction, and building renovations, by building type and region, in order to track progress toward the goals adopted under subsection (a); and

(8) such otherwise authorized activities that the Secretary and the Commercial Director determine are necessary to the success of the initiative.

SEC. 9045. PUBLIC OUTREACH.

The Commercial Director, in coordination with the Consortium, shall carry out public outreach to inform individuals and entities of the information and services available Governmentwide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, particularly tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such other methods as are determined by the Commercial Director to be appropriate;

(7) surveying existing research and studies relating to high-performance green buildings;

(8) coordinating activities of common interest;

(9) developing and recommending a high-performance green building practices that—

(A) identify information and research needs, including the relationships between health, occupant productivity, and each of—

(i) pollutant emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promote the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(10) studying and identifying potential benefits of high-performance green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(11) supporting other research initiatives determined by the Office of Commercial High-Performance Green Buildings.

SEC. 9046. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Federal Director, the Commercial Director, and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility—

(A) to employ integrated design principles;

(B) to improve site selection for environmental and community benefits;

(C) to optimize building and systems energy performance;

(D) to protect and conserve water;

(E) to enhance indoor environmental quality; and

(F) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that—

(A) are energy-efficient; and

(B) to the maximum extent practicable, have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director of the Office of Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 9047. MANAGEMENT OF ENERGY AND WATER EFFICIENCY IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) FACILITY ENERGY MANAGERS.—

''(A) IN GENERAL.—Each Federal agency shall designate a manager responsible for

implementing this subsection and reducing energy use at each building or facility that meets criteria under subparagraph (B).

''(B) COVERED FACILITIES.—The Secretary shall develop criteria, after consultation with affected agencies, energy efficiency advocates, and energy and utility service providers, that cover, at a minimum, each Federal building or facility with greater than 40,000 square feet of space or greater than $75,000 per year in energy costs, including central utility plants and distribution systems and other energy intensive operations, and that constitute in the aggregate at least two-thirds of total Federal building and facility energy use.

''(2) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

''(A) EVALUATIONS.—Not later than 18 months after the date of enactment of this subsection, and every 5 years thereafter, each energy manager shall complete a comprehensive energy and water evaluation for each building or facility that meets criteria under paragraph (1)(B).

''(B) RECOMMISSIONING AND RETROCOMMISSIONING.—As part of the evaluation under subparagraph (A) or on the same schedule the energy manager shall recommission or retrocommission each such building and facility as applicable.

''(3) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the completion of each evaluation under paragraph (1), each energy manager—

''(i) shall fully implement each energy and water-saving measure identified in the evaluation conducted under paragraph (2) that is life-cycle cost-effective and has a 12-year or shorter simple payback period;

''(ii) may implement any energy or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that is life-cycle cost-effective and has longer than a 12-year simple payback period; and

''(iii) may bundle individual measures of varying paybacks together into combined projects.

''(B) PAYBACK PERIOD.—For the purpose of subparagraph (A), the simple payback period of a measure shall be obtained by dividing—

''(i) the estimated initial implementation cost of the measure (other than financing costs); by

''(ii) the annual cost savings from the measure.

''(C) COST SAVINGS.—For the purpose of subparagraph (B), cost savings shall include net savings in estimated—

''(i) energy and water costs; and

''(ii) operations, maintenance, repair, replacement, and other direct costs.

''(D) EXCEPTIONS.—The Secretary may modify or make exceptions to the calculation of a 12-year simple payback under this paragraph in the guidelines issued by the Secretary under paragraph (5), if necessary and appropriate to achieve the purposes of this Act.

''(E) LIFE-CYCLE COST-EFFECTIVE.—For the purpose of subparagraph (A), determination of whether a measure is life-cycle cost-effective shall use methods and procedures developed pursuant to section 544.

''(4) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (3), each energy manager shall ensure that—

''(A) equipment, including building and equipment controls, is fully commissioned at acceptance to be operating at design specifications;

''(B) a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed;

''(C) equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and

''(D) energy and water savings are measured and verified.

''(5) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraphs (1) and (2) not later than 180 days after the date of enactment of this subsection; and

''(ii) paragraphs (3) and (4) not later than 1 year after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (9), but may distinguish between different types of measures project size, and other criteria the Secretary determines are relevant.

''(6) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each building or facility that meets the criteria established by the Secretary under paragraph (1), the energy manager shall use the web-based tracking system under subparagraph (B) to certify compliance with the requirements for—

''(i) energy and water evaluations and recommissioning and retrocommissioning under paragraph (2);

''(ii) implementation of identified energy and water measures under paragraph (3); and

''(iii) follow-up on implemented measures under paragraph (4).

''(B) DEPLOYMENT.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and deploy the web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(I) the covered buildings and facilities;

''(II) the status of meeting the requirements specified in subparagraph (A);

''(III) the estimated cost and savings for measures required to be implemented in a building or facility; and

''(IV) the measured savings and persistence of savings for implemented measures.

''(ii) EASE OF COMPLIANCE.—The Secretary shall ensure that energy manager compliance with the requirements in this paragraph, to the greatest extent practicable, can be accomplished with the use of streamlined procedures, and templates that minimize the time demands on Federal employees.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific buildings from disclosure under clause (i) for national security purposes.

''(7) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—The energy manager shall enter energy use data for each building or facility that meets the criteria established by the Secretary under paragraph (1) into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(C) PUBLIC DISCLOSURE.—Each Federal agency shall post the benchmarking information generated under this subsection, along with each building's annual energy use per square foot and energy costs, on the agency's website. The agency shall update such information each year, and shall include in such reporting previous years' information to allow changes in building performance to be tracked over time.

''(8) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue semiannual scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of implementing the various requirements of the agency and its energy managers under this subsection; and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(9) FUNDING AND IMPLEMENTATION.—

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

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out this subsection, a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing, including financing available through energy savings performance contracts or utility energy service contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection, with proportional allocation for any energy and water savings.

''(iii) LACK OF APPROPRIATED FUNDS.—Since measures may be carried out using private financing described in clause (i), a lack of available appropriations shall not be considered a sufficient reason for the failure of a Federal agency to comply with this subsection.

''(C) IMPLEMENTATION.—Each Federal agency may implement the requirements under this subsection itself or may contract out performance of some or all of the requirements.

''(10) RULE OF CONSTRUCTION.—This subsection shall not be construed either to require or to obviate any contractor savings guarantees.''.

SEC. 9048. DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Federal Director and the Commercial Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office of Commercial High-Performance Green Buildings and the Office of Federal High-Performance Green Buildings.

(b) PROJECTS.—In accordance with guidelines established by the Federal Director and the Commercial Director under subsection (a) and the duties of the Federal Director and the Commercial Director described in this part, the Federal Director or the Commercial Director shall carry out—

(1) for each of fiscal years 2009 through 2014, 1 demonstration project in a Federal building selected by the Federal Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for the evaluation of the information obtained through the conduct of projects and activities under this part; and

(B) achieves the highest rating offered by an existing high-performance green building rating system that is developed through a consensus-based process, provides minimum requirements in all performance categories, requires substantiating documentation and verifiable calculations, employs third-party post-construction review and verification, and is nationally recognized within the building industry;

(2) no fewer than 4 demonstration projects at 4 universities, that, as competitively selected by the Commercial Director in accordance with subsection (c)(2), have—

(A) appropriate research resources and relevant projects to meet the goals of the demonstration project established by the Office of Commercial High-Performance Green Buildings; and

(B) the ability—

(i) to serve as a model for high-performance green building initiatives, including research and education;

(ii) to identify the most effective ways o use high-performance green building and landscape technologies to engage and educate undergraduate and graduate students;

(iii) to effectively implement a high-performance green building education program for students and occupants;

(iv) to demonstrate the effectiveness of various high-performance technologies in each of the 4 climatic regions of the United States described in subsection (c)(2)(B); and

(v) to explore quantifiable and nonquantifiable beneficial impacts on public health and employee and student performance;

(3) demonstration projects to evaluate replicable approaches to achieving various types of commercial buildings in various climates; and

(4) deployment activities to disseminate information on and encourage widespread adoption of technologies, practices, and policies to achieve zero-net-energy commercial buildings or low energy use and effective monitoring of energy use in commercial buildings.

(c) CRITERIA.—

(1) FEDERAL FACILITIES.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(A) be an appropriate model for a project relating to—

(i) the effectiveness of high-performance technologies;

(ii) analysis of materials, components, systems, and emergency operations in the building, and the impact of those materials, components, and systems, including the impact on the health of building occupants;

(iii) life-cycle costing and life-cycle assessment of building materials and systems; and

(iv) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected, after careful review of all applications received containing the required information, as determined by the Commercial Director, based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental quality standards;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(vi) the demonstrated capacity of at least 1 university to have officially-adopted, institution-wide ''high-performance green building'' guidelines for all campus building projects; and

(vii) the demonstrated capacity of at least 1 university to have been recognized by similar institutions as a national leader in sustainability education and curriculum for students of the university; and

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office of Commercial High-Performance Green Buildings—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a temperate climate (including a climate with cold winters and humid summers).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2014—

(1) the Federal Director and the Commercial Director shall submit to the Secretary a report that describes the status of the demonstration projects; and

(2) each University at which a demonstration project under this section is conducted shall submit to the Secretary a report that describes the status of the demonstration projects under this section.

SEC. 9049. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) IN GENERAL.—

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy and Administrator of the Environmental Protection Agency shall jointly, after consulting with information technology industry and other interested parties, initiate a voluntary national information program for those types of data centers and data center equipment and facilities that are widely used and for which there is a potential for significant data center energy savings as a result of such program.

(2) Such program shall—

(A) consistent with the objectives of paragraph (1), determine the type of data center and data center equipment and facilities to be covered under such program; and

(B) include specifications, measurements, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that—

(i) reflect the total energy consumption of data centers, including both equipment and facilities, taking into account—

(I) the performance and utilization of servers, data storage devices, and other information technology equipment;

(II) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems;

(III) energy savings from the adoption of software and data management techniques; and

(IV) other factors determined by the organization described in subsection (b);

(ii) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics determined by the organization described in subsection (b);

(iii) advance the design and implementation of efficiency technologies to the maximum extent economically practical; and

(iv) provide to data center operators in the private sector and the Federal Government information about best practices and purchasing decisions that reduce the energy consumption of data centers;

(C) publish the information described in subparagraph (B), which may be disseminated through catalogs, trade publications, the Internet, or other mechanisms, that will allow data center operators to assess the energy consumption and potential cost savings of alternative data centers and data center equipment and facilities; and

(D) not later than 1 year after the date of enactment of this Act, and thereafter on an ongoing basis, transmit the information described in subparagraph (B) to the Secretary and the Administrator.

(3) Such program shall be developed and coordinated by the data center efficiency organization described in subsection (b) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(b) DATA CENTER EFFICIENCY ORGANIZATION.—Upon creation of the program under subsection (a), the Secretary and the Administrator shall jointly designate an information technology industry organization to coordinate the program. Such organization, whether preexisting or formed specifically for the purposes of subsection (a), shall—

(1) consist of interested parties that have expertise in energy efficiency and in the development, operation, and functionality of computer data centers, information technology equipment, and software, as well as representatives of hardware manufacturers, data center operators, and facility managers;

(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise in any of the areas listed in paragraph (1) of this subsection;

(3) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(4) have a mission to develop and promote energy efficiency for data centers and information technology; and

(5) have the primary responsibility to oversee the development and publishing of the information, measurements, and benchmarks described in subsection (a) and transmission of such information to the Secretary and the Administrator for their adoption under subsection (c).

(c) ADOPTION OF SPECIFICATIONS.—The Secretary and the Administrator shall jointly, in accordance with the requirements of section 12(d) of the National Technology Transfer Advancement Act of 1995, adopt and publish the specifications, measurements, and benchmarks described in subsection (a) for use by the Federal Energy Management Program and the Energy Star program as energy efficiency requirements for the purposes of those programs.

(d) MONITORING.—The Secretary and the Administrator shall jointly monitor and evaluate the efforts to develop the program described in subsection (a) and, not later than 3 years after the date of enactment of this Act, shall make a determination as to whether such program is consistent with the objectives of subsection (a).

(e) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (d) that a voluntary national information program for data centers consistent with the objectives of subsection (a) has not been developed, the Secretary and the Administrator shall jointly, after consultation with the National Institute of Standards and Technology, develop, not later than 2 years after such determination, and implement the program under subsection (a).

(f) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary, the Administrator, or

the data center efficiency organization shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this program.

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

(1) The term ''data center'' means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure, that utilizes environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) The term ''data center operator'' means any person or government entity that builds or operates a data center or purchases data center services, equipment, and facilities.

SEC. 9050. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts authorized under subsections (b), (c), and (d), there are authorized to be appropriated to carry out this part, other thansection 9052—

(1) $10,000,000 for fiscal year 2008; and

(2) $20,000,000 for each of the fiscal years 2009 through 2014, to remain available until expended.

(b) ZERO-ENERGY COMMERCIAL BUILDINGS INITIATIVE.—There are authorized to be appropriated to carry out the initiative described insection 9044—

(1) $20,000,000 for fiscal year 2008;

(2) $50,000,000 for each of fiscal years 2009 and 2010;

(3) $100,000,000 for each of fiscal years 2011 and 2012;

(4) $200,000,000 for each of fiscal years 2013 through 2050.

(c) DEMONSTRATION PROJECTS.—

(1) FEDERAL DEMONSTRATION PROJECT.—There are authorized to be appropriated to carry out the Federal demonstration project described insection 9048(b)(1) $10,000,000 for the period of fiscal years 2009 through 2014, to remain available until expended.

(2) UNIVERSITY DEMONSTRATION PROJECTS.—There are authorized to be appropriated to carry out the university demonstration projects described insection 9048(b)(2) $10,000,000 for the period of fiscal years 2009 through 2014, to remain available until expended.

(d) ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.—There are authorized to be appropriated to each of the Secretary and the Administrator for carrying outsection 9049 $250,000 for each of the fiscal years 2008 through 2012.

SEC. 9051. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Energy, through the Federal Energy Management Program, shall conduct a study on the use of power management software by the Department of Energy and Federal facilities to reduce the use of electricity in computer monitors and personal computers.

(b) REPORT.—Not later than 60 days after the date of enactment of the Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study. The Secretary and the Federal Energy Management Program are encouraged to draw upon similar studies and efforts by other Federal entities on power management software.

SEC. 9052. HIGH-PERFORMANCE GREEN BUILDINGS RETROFIT LOAN GUARANTEES.

(a) DEFINITIONS.—In this section:

(1) COST.—The term ''cost'' has the meaning given the term ''cost of a loan guarantee'' within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

(2) GUARANTEE.—

(A) IN GENERAL.—The term ''guarantee'' has the meaning given the term ''loan guarantee'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(B) INCLUSION.—The term ''guarantee'' includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(3) OBLIGATION.—The term ''obligation'' means the loan or other debt obligation that is guaranteed under this section.

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

(b) ELIGIBLE PURPOSES.—Except for division C of Public Law 108–423, the Commercial Director shall make loan guarantees under this section for renovation projects that are eligible projects within the meaning of section 1703 of the Energy Policy Act of 2005 and that will result in a building achieving the United States Green Building Council Leadership in Energy and Environmental Design ''certified'' level, or meeting a comparable standard approved by the Commercial Director.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Commercial Director shall make guarantees under this section for projects on such terms and conditions as the Commercial Director determines, after consultation with the Secretary of the Treasury, in accordance with this section, including limitations on the amount of any loan guarantee to ensure distribution to a variety of borrowers.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—No guarantee shall be made under this section unless—

(A) an appropriation for the cost has been made; or

(B) the Commercial Director has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

(3) LIMITATION.—Not more than $100,000,000 in loans may be guaranteed under this section at any one time.

(4) AMOUNT.—Unless otherwise provided by law, a guarantee by the Commercial Director under this section shall not exceed an amount equal to 80 percent of the project cost that is the subject of the guarantee, as estimated at the time at which the guarantee is issued.

(5) REPAYMENT.—No guarantee shall be made under this section unless the Commercial Director determines that there is reasonable prospect of repayment of the principal and interest on the obligation by the borrower.

(6) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Commercial Director determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

(7) TERM.—The term of an obligation shall require full repayment over a period not to exceed the lesser of—

(A) 30 years; or

(B) 90 percent of the projected useful life of the building whose renovation is to be financed by the obligation (as determined by the Commercial Director).

(8) DEFAULTS.—

(A) PAYMENT BY COMMERCIAL DIRECTOR.—

(i) IN GENERAL.—If a borrower defaults on the obligation (as defined in regulations promulgated by the Commercial Director and specified in the guarantee contract), the holder of the guarantee shall have the right to demand payment of the unpaid amount from the Commercial Director.

(ii) PAYMENT REQUIRED.—Within such period as may be specified in the guarantee or related agreements, the Commercial Director shall pay to the holder of the guarantee the unpaid interest on, and unpaid principal of the obligation as to which the borrower has defaulted, unless the Commercial Director finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

(iii) FORBEARANCE.—Nothing in this paragraph precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Commercial Director.

(B) SUBROGATION.—

(i) IN GENERAL.—If the Commercial Director makes a payment under subparagraph (A), the Commercial Director shall be subrogated to the rights of the recipient of the payment as specified in the guarantee or related agreements including, where appropriate, the authority (notwithstanding any other provision of law) to—

(I) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements; or

(II) permit the borrower, pursuant to an agreement with the Commercial Director, to continue to pursue the purposes of the project if the Commercial Director determines this to be in the public interest.

(ii) SUPERIORITY OF RIGHTS.—The rights of the Commercial Director, with respect to any property acquired pursuant to a guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

(iii) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Commercial Director determines appropriate to—

(I) protect the interests of the United States in the case of default; and

(II) have available all the patents and technology necessary for any person selected, including the Commercial Director, to complete and operate the project.

(C) PAYMENT OF PRINCIPAL AND INTEREST BY COMMERCIAL DIRECTOR.—With respect to any obligation guaranteed under this section, the Commercial Director may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the borrower, from funds appropriated for that purpose, the principal and interest payments which become due and payable on the unpaid balance of the obligation if the Commercial Director finds that—

(i)(I) the borrower is unable to meet the payments and is not in default;

(II) it is in the public interest to permit the borrower to continue to pursue the purposes of the project; and

(III) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

(ii) the amount of the payment that the Commercial Director is authorized to pay shall be no greater than the amount of principal and interest that the borrower is obligated to pay under the agreement being guaranteed; and

(iii) the borrower agrees to reimburse the Commercial Director for the payment (including interest) on terms and conditions that are satisfactory to the Commercial Director.

(D) ACTION BY ATTORNEY GENERAL.—

(i) NOTIFICATION.—If the borrower defaults on an obligation, the Commercial Director shall notify the Attorney General of the default.

(ii) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest due from—

(I) such assets of the defaulting borrower as are associated with the obligation; or

(II) any other security pledged to secure the obligation.

(9) FEES.—

(A) IN GENERAL.—The Commercial Director shall charge and collect fees for guarantees in amounts the Commercial Director determines are sufficient to cover applicable administrative expenses.

(B) AVAILABILITY.—Fees collected under this paragraph shall—

(i) be deposited by the Commercial Director into the Treasury; and

(ii) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

(10) RECORDS; AUDITS.—

(A) IN GENERAL.—A recipient of a guarantee shall keep such records and other pertinent documents as the Commercial Director shall prescribe by regulation, including such records as the Commercial Director may require to facilitate an effective audit.

(B) ACCESS.—The Commercial Director and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

(11) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

PART 5—INDUSTRIAL ENERGY EFFICIENCY

SEC. 9061. INDUSTRIAL ENERGY EFFICIENCY.

(a) AMENDMENT.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by adding the following after part D:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"SEC. 371. SURVEY OF WASTE INDUSTRIAL ENERGY RECOVERY AND POTENTIAL USE.

''Congress finds that—

''(1) the Nation should encourage the use of otherwise wasted energy and the development of combined heat and power and other waste energy recovery projects where there is wasted thermal energy in large volumes at potentially useful temperatures;

''(2) such projects would increase energy efficiency and lower pollution by generating power with no incremental fossil fuel consumption;

''(3) because recovered waste energy and combined heat and power projects are associated with end-uses of thermal energy and electricity at the local level, they help avoid new transmission lines, reduce line losses, reduce local air pollutant emissions, and reduce vulnerability to extreme weather and terrorism; and

''(4) States, localities, electric utilities, and other electricity customers may benefit from private investments in recovered waste energy and combined heat and power projects at industrial and commercial sites by avoiding generation, transmission and distribution expenses, and transmission line loss expenses that may otherwise be required to be recovered from ratepayers.

"SEC. 372. DEFINITIONS.

''For purposes of this Part:

''(1) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) The term 'waste energy' means__

''(A) exhaust heat and flared gases from any industrial process;

''(B) waste gas or industrial tail gas that would otherwise be flared, incinerated or vented;

''(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

''(D) such other forms of waste energy as the Administrator may identify.

''(3) The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of existing facilities or addition of new facilities.

''(4) The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in amounts exceeding the total consumption of electricity at the specific time of generation on the site where the facility is located.

''(5) The term 'useful thermal energy' is energy in the forms of direct heat, steam, hot water, or other thermal forms that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements, and for which fuel or electricity would otherwise be consumed.

''(6) The term 'combined heat and power system' means a facility—

''(A) that simultaneously and efficiently produces useful thermal energy and electricity; and

''(B) that recovers not less than 60 percent of the energy value in the fuel (on a lower-heating-value basis) in the form of useful thermal energy and electricity.

''(7) The terms 'electric utility', 'State regulated electric utility', 'nonregulated electric utility' and other terms used in this Part have the same meanings as when such terms are used in title I of the Public Utility Regulatory Policies Act of 1978 (relating to retail regulatory policies for electric utilities).

"SEC. 373. SURVEY AND REGISTRY.

''(a) RECOVERABLE WASTE-ENERGY INVENTORY PROGRAM.—The Administrator, in cooperation with State energy offices, shall establish a Recoverable Waste-Energy Inventory Program. The program shall include an ongoing survey of all major industrial and large commercial combustion sources in the United States and the sites where these are located, together with a review of each for quantity and quality of waste energy.

''(b) CRITERIA.—The Administrator shall, within 120 days after the enactment of this section, develop and publish proposed criteria subject to notice and comment, and within 270 days of enactment, establish final criteria, to identify and designate those sources and sites in the inventory under subsection (a) where recoverable waste energy projects or combined heat and power system projects may have economic feasibility with a payback of invested costs within 5 years or less from the date of first full project operation (including incentives offered under this Part). Such criteria will include standards that insure that projects proposed for inclusion in the Registry are not developed for the primary purpose of making sales of excess electric power under the regulatory treatment provided under this Part.

''(c) TECHNICAL SUPPORT.—The Administrator shall provide to owners or operators of combustion sources technical support and offer partial funding (up to one-half of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at that source would offer a payback period of 5 years or less.

''(d) REGISTRY.—(1) The Administrator shall, within one year after the enactment of this section, establish a Registry of Recoverable Waste-energy Sources, and sites on which those sources are located, which meet the criteria set forth under subsection (b). The Administrator shall update the Registry on not less than a monthly basis, and make the Registry accessible to the public on the Environmental Protection Agency web site. Any State or electric utility may contest the listing of any source or site by submitting a petition to the Administrator.

''(2) The Administrator shall register and include on the Registry all sites meeting the criteria of subsection (b). The Administrator shall calculate the total amounts of potentially recoverable waste energy from sources at such sites, nationally and by State, and shall make such totals public, together with information on the air pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed in the Registry.

''(3) The Administrator shall notify owners or operators of Recoverable Waste-Energy Sources and sites listed in the Registry prior to publishing the listing. The owner or operator of sources at such sites may elect to have detailed quantitative information concerning that site not made public by notifying the Administrator of that election. Information concerning that site shall be included in State totals unless there are fewer than 3 sites in the State.

''(4) As waste energy projects achieve successful recovery of waste energy, the Administrator shall remove the related sites or sources from the Registry, and shall designate the removed projects as eligible for the incentive provisions provided under this Part and the regulatory treatment required by this Part. No project shall be removed from the Registry without the consent of the owner or operator of the project if the owner or operator has submitted a petition under section 375 and such petition has not been acted upon or denied.

''(5) The Administrator shall not list any source constructed after the date of the enactment of this Part on the Registry if the Administrator determines that such source—

''(A) was developed for the primary purpose of making sales of excess electric power under the regulatory treatment provided under this Part; or

''(B) does not capture at least 60 percent of the total energy value of the fuels used (on a lower-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or some combination of them.

''(e) SELF-CERTIFICATION.—Owners, operators, or third-party developers of industrial waste-energy projects that qualify under standards established by the Administrator may self-certify their sites or sources to the Administrator for inclusion in the Registry, subject to procedures adopted by the Administrator. To prevent a fraudulent listing, the sources shall be included on the Registry only if the Administrator confirms the submitted data, at the Administrator's discretion.

''(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the enactment of this Part, to the extent it may constitute a site with recoverable waste energy that may qualify for the Registry, the Administrator may elect to include it in the Registry at the request of its owner or operator or developer on a conditional basis, removing the site if its development ceases or it if fails to qualify for listing under this Part.

''(g) OPTIMUM MEANS OF RECOVERY.—For each site listed in the Registry, at the request of the owner or operator of the site, the Administrator shall offer, in cooperation with Clean Energy Application Centers operated by the Secretary of Energy, suggestions of optimum means of recovery of value from waste energy stream in the form of electricity, useful thermal energy, or other energy-related products.

''(h) REVISION.—Each annual State report under section 548(a) of the National Energy

Conservation Policy Act shall include the results of the survey for that State under this section.

''(i) AUTHORIZATION.—There are authorized to be appropriated to the Administrator for the purposes of creating and maintaining the Registry and services authorized by this section not more than $1,000,000 for each of fiscal years 2008, 2009, 2010, 2010, and 2012 and not more than $5,000,000 to the States to provide funding for State energy office functions under this section.

''SEC. 374. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—There is established in the Environmental Protection Agency a Waste Energy Recovery Incentive Grant Program to provide incentive grants to owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery (and to utilities purchasing or distributing such electricity) and to reward States that have achieved 80 percent or more of identified waste-heat recovery opportunities.

''(b) GRANTS TO PROJECTS AND UTILITIES.—

''(1) IN GENERAL.—The Administrator shall make grants to the owners or operators of waste energy recovery projects, and, in the case of excess power purchased or transmitted by a electric utility, to such utility. Grants may only be made upon receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Administrator, by rule.

''(2) EXCESS ELECTRIC ENERGY.—In the case of waste energy recovery, the grants under this section shall be made at the rate of $10 per megawatt hour of documented electricity produced from recovered waste energy (or by prevention of waste energy in the case of a new facility) by the project during the first 3 calendar years of such production, beginning on or after the date of enactment of this Part. If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of such grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

''(3) USEFUL THERMAL ENERGY.—In the case of waste energy recovery that produces useful thermal energy that is used for a purpose different from that for which the project is principally designed, the grants under this section shall be made to the owner or operator of the waste energy recovery project at the rate of $10 for each 3,412,000 Btus of such excess thermal energy used for such different purpose.

''(c) GRANTS TO STATES.—In the case of States that have achieved 80 percent or more of waste-heat recovery opportunities identified by the Administrator under this Part, the Administrator shall make grants to the States of up to $1,000 per Megawatt of waste-heat capacity recovered (or its thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

''(d) ELIGIBILITY.—The Administrator shall establish rules and guidelines to establish eligibility for grants, shall make the grant program known to those listed in the Registry, and shall offer such grants on the basis of the merits of each project in recovering or preventing waste energy throughout the United States on an impartial, objective, and not unduly discriminatory basis.

''(e) AUTHORIZATION.—(1) There is authorized to be appropriated to the Administrator $100,000,000 for fiscal year 2008, and $200,000,000 for each of fiscal years 2009, 2010, 2011, and 2012 for grants under subsection (b) of this section, and such additional amounts during those years and thereafter as may be necessary for administration of the Waste Energy Recovery Incentive Grant Program.

''(2) There is authorized to be appropriated to the Administrator not more than $10,000,000 for each of the first five fiscal years after the enactment of this Part, to be available until expended for purposes of grants to States under subsection (c).

''SEC. 375. ADDITIONAL INCENTIVES FOR RECOVERY, UTILIZATION AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

''(a) CONSIDERATION OF STANDARD.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which it has rate-making authority), or nonregulated electric utility, of a request from a project sponsor or owner or operator, the State regulatory authority or nonregulated electric utility shall provide public notice and conduct a hearing respecting the standard established by subsection (b) and, on the basis of such hearing, shall consider and make a determination whether or not it is appropriate to implement such standard to carry out the purposes of this Part. For purposes of any such determination and any review of such determination in any court the purposes of this section supplement otherwise applicable State law. Nothing in this Part prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to adopt any such standard, pursuant to its authority under otherwise applicable State law.

''(b) STANDARD FOR SALES OF EXCESS POWER.—For purposes of this section, the standard referred to in subsection (a) shall provide that an owner or operator of a waste energy recovery project identified on the Registry who generates net excess power shall be eligible to benefit from at least one of the options described in subsection (c) for disposal of the net excess power in accordance with the rate conditions and limitations described in subsection (d).

''(c) OPTIONS.—The options referred to in subsection (b) are as follows:

''(1) SALE OF NET EXCESS POWER TO UTILITY.—The electric utility shall purchase the net excess power from the owner or operator of the eligible waste-energy recovery project during the operation of the project under a contract entered into for that purpose.

''(2) TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTY.—The electric utility shall transmit the net excess power on behalf of the project owner or operator to up to three separate locations on that utility's system for direct sale by that owner or operator to third parties at such locations.

''(3) TRANSPORT OVER PRIVATE TRANSMISSION LINES.—The State and the electric utility shall permit, and shall waive or modify such laws as would otherwise prohibit, the construction and operation of private electric wires constructed, owned and operated by the project owner or operator, to transport such power to up to 3 purchasers within a 3-mile radius of the project, allowing such wires to utilize or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according such wires the same treatment for safety, zoning, land-use and other legal privileges as apply or would apply to the utility's own wires, except that—

''(A) there shall be no grant of any power of eminent domain to take or cross private property for such wires, and

''(B) such wires shall be physically segregated and not interconnected with any portion of the utility's system, except on the customer's side of the utility's revenue meter and in a manner that precludes any possible export of such electricity onto the utility system, or disruption of such system.

''(4) AGREED UPON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and its associated payments or rates that is mutually satisfactory and in accord with State law.

''(d) RATE CONDITIONS AND CRITERIA.—

''(1) IN GENERAL.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions reflecting the rate components defined under paragraph (2) of this subsection as applicable under the circumstances described in paragraph (3) of this subsection.

''(2) RATE COMPONENTS.—For purposes of this section:

''(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means the utility's depreciated book-value distribution system costs divided by the previous year's volume of utility electricity sales or transmission at the distribution level in kilowatt hours.

''(B) PER UNIT DISTRIBUTION MARGIN.—The term 'per unit distribution margin' means:

''(i) In the case of a State regulated electric utility, a per-unit gross pretax profit determined by multiplying the utility's State-approved percentage rate of return for distribution system assets by the per unit distribution costs.

''(ii) In the case of an nonregulated utility, a per unit contribution to net revenues determined by dividing the amount of any net revenue payment or contribution to the nonregulated utility's owners or subscribers in the prior year by the utility's gross revenues for the prior year to obtain a percentage (but not less than 10 percent) and multiplying that percentage by the per unit distribution costs.

''(C) PER UNIT TRANSMISSION COSTS.—The term 'per unit transmission costs' means the total cost of those transmission services purchased or provided by a utility on a per-kilowatt-hour basis as included in that utility's retail rate.

''(3) APPLICABLE RATES.—

''(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—Sales made by a project owner or operator under the option described in subsection (c) (1) shall be paid for on a per kilowatt hour basis that shall equal the full undiscounted retail rate paid to the utility for power purchased by such a facility *minus* per unit distribution costs, as applicable to the type of utility purchasing the power. If the net excess power is made available for purchase at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be available for resale by the utility, then the purchase price shall further be reduced by per unit transmission costs.

''(B) RATES APPLICABLE TO TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTIES.—Transportation by utilities of power on behalf of the owner or operator of a project under the option described in subsection (c)(2) shall incur a transportation rate equal to the per unit distribution costs and per unit distribution margin, as applicable to the type of utility transporting the power. If the net excess power is made available for transportation at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be transported to the designated third-party purchasers, then the transport rate shall further be increased by per unit transmission costs. In States with competitive retail markets for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

''(4) LIMITATIONS.—(A) Any rate established for sale or transportation under this section shall be modified over time with changes in the electric utility's underlying costs or

rates, and shall reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

''(B) No utility shall be required to purchase or transport an amount of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

''(e) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.—(1) The consideration referred to in subsection (b) shall be made after public notice and hearing. The determination referred to in subsection (b) shall be—

''(A) in writing,

''(B) based upon findings included in such determination and upon the evidence presented at the hearing, and

''(C) available to the public.

''(2) The Administrator may intervene as a matter of right in a proceeding conducted under this section and may calculate the energy and emissions likely to be saved by electing to adopt one or more of the options, as well as the costs and benefits to ratepayers and the utility and to advocate for the waste-energy recovery opportunity.

''(3) Except as otherwise provided in paragraph (1), and paragraph (2), the procedures for the consideration and determination referred to in subsection (a) shall be those established by the State regulatory authority or the nonregulated electric utility. In the instance that there is more than one project seeking such consideration simultaneously in connection with the same utility, such proceeding may encompass all such projects, provided that full attention is paid to their individual circumstances and merits, and an individual judgment is reached with respect to each project.

''(f) IMPLEMENTATION.—(1) The State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

''(A) implement the standard determined under this section, or

''(B) decline to implement any such standard.

''(2) If a State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, such authority or nonregulated electric utility shall state in writing the reasons therefor. Such statement of reasons shall be available to the public, and the Administrator shall include the project in an annual report to Congress concerning lost opportunities for waste-heat recovery, specifically identifying the utility and stating the amount of lost energy and emissions savings calculated. If a State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to such project at any time after 24 months after the date on which the State regulatory authority or nonregulated utility has declined to implement such standard.

''SEC. 376. CLEAN ENERGY APPLICATION CENTERS.

''(a) PURPOSE.—The purpose of this section is to rename and provide for the continued operation of the United States Department of Energy's Regional Combined Heat and Power (CHP) Application Centers.

''(b) FINDINGS.—The Congress finds the Department of Energy's Regional Combined Heat and Power (CHP) Application Centers program has produced significant energy savings and climate change benefits and will continue to do so through the deployment of clean energy technologies such as Combined Heat and Power (CHP), recycled waste energy and biomass energy systems, in the industrial and commercial energy markets.

''(c) RENAMING.—The Combined Heat and Power Application Centers at the Department of Energy are hereby be redesignated as Clean Energy Application Centers. Any reference in any law, rule or regulation or publication to the Combined Heat and Power Application Centers shall be treated as a reference to the Clean Energy Application Centers.

''(d) RELOCATION.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to assure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary of Energy shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy. The Office of Electricity Delivery and Energy Reliability shall continue to perform work on the role of such technology in support of the grid and its reliability and security, and shall assist the Clean Energy Application Centers in their work with regard to the grid and with electric utilities.

''(e) GRANTS.—

''(1) IN GENERAL.—The Secretary of Energy shall make grants to universities, research centers, and other appropriate institutions to assure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of the date of the enactment of this section):

''(A) Gulf Coast.

''(B) Intermountain.

''(C) Mid-Atlantic.

''(D) Midwest.

''(E) Northeast.

''(F) Northwest.

''(G) Pacific.

''(H) Southeast.

''(2) ESTABLISHMENT OF GOALS AND COMPLIANCE.—In making grants under this section, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

''(f) ACTIVITIES.—Each Clean Energy Application Center shall operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. In addition, the Centers shall provide project specific support to building and industrial professionals through assessments and advisory activities. Funds made available under this section may be used for the following activities:

''(1) Developing and distributing informational materials on clean energy technologies, including continuation of the eight existing Web sites.

''(2) Developing and conducting target market workshops, seminars, internet programs and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies.

''(3) Providing or coordinating onsite assessments for sites and enterprises that may consider deployment of clean energy technology.

''(4) Performing market research to identify high profile candidates for clean energy deployment.

''(5) Providing consulting support to sites considering deployment of clean energy technologies.

''(6) Assisting organizations developing clean energy technologies to overcome barriers to deployment.

''(7) Assisting companies and organizations with performance evaluations of any clean energy technology implemented.

''(g) DURATION.—A grant awarded under this section shall be for a period of 5 years. each grant shall be evaluated annually for its continuation based on its activities and results.

''(h) AUTHORIZATION.—There is authorized to be appropriated for purposes of this section the sum of $10,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.''.

(b) TABLE OF CONTENTS.—The table of contents for such Act is amended by inserting the following after the items relating to part D of title III:

''PART E—INDUSTRIAL ENERGY EFFICIENCY

''Sec. 371. Survey of waste industrial energy recovery and potential use.

''Sec. 372. Definitions.

''Sec. 373. Survey and registry.

''Sec. 374. Waste Energy Recovery Incentive Grant Program.

''Sec. 375. Additional incentives for recovery, utilization and prevention of industrial waste energy.

''Sec. 376. Clean Energy Application Centers.''.

PART 6—ENERGY EFFICIENCY OF PUBLIC INSTITUTIONS

SEC. 9071. SHORT TITLE.

This part may be cited as the ''Sustainable Energy Institutional Infrastructure Act of 2007''.

SEC. 9072. FINDINGS.

The Congress finds the following:

(1) Many institutional entities own and operate, or are served by, district energy systems.

(2) A variety of renewable energy resources could be tapped by governmental and institutional energy systems to meet energy requirements.

(3) Use of these renewable energy resources to meet energy requirements will reduce reliance on fossil fuels and the associated emissions of air pollution and carbon dioxide.

(4) CHP is a highly efficient and environmentally beneficial means to generate electric energy and heat, and offers total efficiency much greater than conventional separate systems, where electric energy is generated at and transmitted long distances from a centrally located generation facility, and onsite heating and cooling equipment is used to meet nonelectric energy requirements.

(5) Heat recovered in a CHP generation system can be used for space heating, domestic hot water, or process steam requirements, or can be converted to cooling energy to meet air conditioning requirements.

(6) The increased efficiency of CHP results in reduction in emissions of air pollution and carbon dioxide.

(7) District energy systems represent a key opportunity for expanding implementation of CHP because district energy systems provide a means of delivering thermal energy from CHP to a substantial base of end users.

(8) District energy systems help cut peak power demand and reduce power transmission and distribution system constraints by meeting air conditioning demand through delivery of chilled water produced with CHP-generated heat or other energy sources, shifting power demand through thermal storage, and, with CHP, generating power near load centers.

(9) Evaluation and implementation of sustainable energy infrastructure is a complex undertaking involving a variety of technical, economic, legal, and institutional issues and barriers, and technical assistance is often required to successfully navigate these barriers.

(10) The major constraint to significant expansion of sustainable energy infrastructure by institutional entities is a lack of capital funding for implementation.

SEC. 9073. DEFINITIONS.

For purposes of this part—

(1) the term ''CHP'' means combined heat and power, or the generation of electric energy and heat in a single, integrated system;

(2) the term ''district energy systems'' means systems providing thermal energy to buildings and other energy consumers from one or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses;

(3) the term ''institutional entities'' means local governments, public school districts, municipal utilities, State governments, Federal agencies, and other entities established by local, State, or Federal agencies to meet public purposes, and public or private colleges, universities, airports, and hospitals;

(4) the term ''renewable thermal energy sources'' means non-fossil-fuel energy sources, including biomass, geothermal, solar, natural sources of cooling such as cold lake or ocean water, and other sources that can provide heating or cooling energy;

(5) the term ''sustainable energy infrastructure'' means facilities for production of energy from CHP or renewable thermal energy sources and distribution of thermal energy to users; and

(6) the term ''thermal energy'' means heating or cooling energy in the form of hot water or steam (heating energy) or chilled water (cooling energy).

SEC. 9074. TECHNICAL ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall, with funds appropriated for this purpose, implement a program of information dissemination and technical assistance to institutional entities to assist them in identifying, evaluating, designing, and implementing sustainable energy infrastructure.

(b) INFORMATION DISSEMINATION.—The Secretary shall develop and disseminate information and assessment tools addressing—

(1) identification of opportunities for sustainable energy infrastructure;

(2) technical and economic characteristics of sustainable energy infrastructure;

(3) utility interconnection, and negotiation of power and fuel contracts;

(4) financing alternatives;

(5) permitting and siting issues;

(6) case studies of successful sustainable energy infrastructure systems; and

(7) computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

(c) ELIGIBLE COSTS.—Upon application by an institutional entity, the Secretary may make grants to such applicant to fund—

(1) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

(2) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

(3) 45 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, and $15,000,000 for fiscal year 2010.

SEC. 9075. REVOLVING FUND.

(a) ESTABLISHMENT.—The Secretary of Energy shall, with funds appropriated for this purpose, create a Sustainable Institutions Revolving Fund for the purpose of establishing and operating a Sustainable Institutions Revolving Fund (in this section referred to as the ''SIRF'') for the purpose of providing loans for the construction or improvement of sustainable energy infrastructure to serve institutional entities.

(b) ELIGIBLE COSTS.—A loan provided from the SIRF shall be for no more than 70 percent of the total capital costs of a project, and shall not exceed $15,000,000. Such loans shall be for constructing sustainable energy infrastructure, including—

(1) plant facilities used for producing thermal energy, electricity, or both;

(2) facilities for storing thermal energy;

(3) facilities for distribution of thermal energy; and

(4) costs for converting buildings to use thermal energy from sustainable energy sources.

(c) QUALIFICATIONS.—Loans from the SIRF may be made to institutional entities for projects meeting the qualifications and conditions established by the Secretary, including the following minimum qualifications:

(1) The project shall be technically and economically feasible as determined by a detailed feasibility analysis performed or corroborated by an independent consultant.

(2) The borrower shall demonstrate that adequate and comparable financing was not found to be reasonably available from other sources, and that the project is economically more feasible with the availability of the SIRF loan.

(3) The borrower shall obtain commitments for the remaining capital required to implement the project, contingent on approval of the SIRF loan.

(4) The borrower shall provide to the Secretary reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with a loan provided under this section will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

(d) FINANCING TERMS.—(1) Interest on a loan under this section may be a fixed rate or floating rate, and shall be equal to the Federal cost of funds consistent with the loan type and term, minus 1.5 percent.

(2) Interest shall accrue from the date of the loan, but the first payment of interest shall be deferred, if desired by the borrower, for a period ending not later than 3 years after the initial date of operation of the system.

(3) Interest attributable to the period of deferred payment shall be amortized over the remainder of the loan term.

(4) Principal shall be repaid on a schedule established at the time the loan is made. Such payments shall begin not later than 3 years after the initial date of operation of the system.

(5) Loans made from the SIRF shall be repayable over a period ending not more than 20 years after the date the loan is made.

(6) Loans shall be prepayable at any time without penalty.

(7) SIRF loans shall be subordinate to other loans for the project.

(e) FUNDING CYCLES.—Applications for loans from the SIRF shall be received on a periodic basis at least semiannually.

(f) APPLICATION OF REPAYMENTS FOR DEFICIT REDUCTION.—Loans from the SIRF shall be made, with funds available for this purpose, during the 10 years starting from the date that the first loan from the fund is made. Until this 10-year period ends, funds repaid by borrowers shall be deposited in the SIRF to be made available for additional loans. Once loans from the SIRF are no longer being made, repayments shall go directly into the United States Treasury.

(g) PRIORITIES.—In evaluating projects for funding, priority shall be given to projects which—

(1) maximize energy efficiency;

(2) minimize environmental impacts, including from regulated air pollutants, greenhouse gas emissions, and the use of refrigerants known to cause ozone depletion;

(3) use renewable energy resources;

(4) maximize oil displacement; and

(5) benefit economically-depressed areas.

(h) REGULATIONS.—Not later than one year after the date of enactment of this Act, the Secretary of Energy shall develop a plan and adopt rules and procedures for establishing and operating the SIRF.

(i) PROGRAM REVIEW.—Every two years the Secretary shall report to the Congress on the status and progress of the SIRF.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2008 and $500,000,000 for each of the fiscal years 2009 through 2012.

SEC. 9076. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$100,000,000 for each of the fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008'' and inserting ''$125,000,000 for each of the fiscal years 2007, 2008, 2009, 2010, 2011, and 2012''.

PART 7—ENERGY SAVINGS PERFORMANCE CONTRACTING

SEC. 9081. DEFINITION OF ENERGY SAVINGS.

Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated onsite but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

SEC. 9082. FINANCING FLEXIBILITY.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

''(E) SEPARATE CONTRACTS.—In carrying out a contract under this title, a Federal agency may—

''(i) enter into a separate contract for energy services and conservation measures under the contract; and

''(ii) provide all or part of the financing necessary to carry out the contract.''.

SEC. 9083. AUTHORITY TO ENTER INTO CONTRACTS; REPORTS.

(a) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(D) of the National Energy

Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(1) in clause (ii), by inserting ''and'' after the semicolon at the end;

(2) by striking clause (iii); and

(3) by redesignating clause (iv) as clause (iii).

(b) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting ''and any termination penalty exposure'' after ''the energy and cost savings that have resulted from such contracts''.

(c) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code is amended by striking subsection (e).

SEC. 9084. PERMANENT REAUTHORIZATION.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

SEC. 9085. TRAINING FEDERAL CONTRACTING OFFICERS TO NEGOTIATE ENERGY EFFICIENCY CONTRACTS.

(a) PROGRAM.—The Secretary of Energy shall create and administer in the Federal Energy Management Program a training program to educate Federal contract negotiation and contract management personnel so that such contract officers are prepared to—

(1) negotiate energy savings performance contracts;

(2) conclude effective and timely contracts for energy efficiency services with all companies offering energy efficiency services; and

(3) review Federal contracts for all products and services for their potential energy efficiency opportunities and implications.

(b) SCHEDULE.—The Federal Energy Management Program shall plan, staff, announce, and begin such training not later than one year after the date of enactment of this Act.

(c) PERSONNEL TO BE TRAINED.—Personnel appropriate to receive such training shall be selected by and sent for such training from—

(1) the Department of Defense;

(2) the Department of Veterans Affairs;

(3) the Department of Energy;

(4) the General Services Administration;

(5) the Department of Housing and Urban Development;

(6) the United States Postal Service; and

(7) all other Federal agencies and departments that enter contracts for buildings, building services, electricity and electricity services, natural gas and natural gas services, heating and air conditioning services, building fuel purchases, and other types of procurement or service contracts determined by Federal Energy Management Program to offer the potential for energy savings and greenhouse gas emission reductions if negotiated with such goals in mind.

(d) TRAINERS.—Such training may be conducted by attorneys or contract officers with experience in negotiating and managing such contracts from any agency, and the Department of Energy shall reimburse their related salaries and expenses from amounts appropriated for carrying out this section to the extent they are not already employees of the Department of Energy. Such training may also be provided by private experts hired by the Department of Energy for the purposes of this section, except that the Department may not hire experts who are simultaneously employed by any company under contract to provide such energy efficiency services to the Federal Government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $750,000 for each of fiscal years 2008 through 2012.

SEC. 9086. PROMOTING LONG-TERM ENERGY SAVINGS PERFORMANCE CONTRACTS AND VERIFYING SAVINGS.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended—

(1) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(2) by adding at the end the following:

''(F) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(G) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—The evaluations and savings measurement and verification required under paragraphs (1) and (3) of section 543(f) shall be used by a Federal agency to meet the requirements for—

''(I) in the case of energy savings performance contracts, the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section; and

''(II) in the case of utility energy service contracts, needs that are similar to the purposes described in subclause (I).

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 180 days after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by subtitle G of title I of the Energy Efficiency Improvement Act of 2007.''.

PART 8—ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCING

SEC. 9089. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Assistant Secretary of Energy for Energy Efficiency and Renewable Energy shall establish an advisory committee to provide advice and recommendations to the Department of Energy on energy efficiency finance and investment issues, options, ideas, and trends, and to assist the energy community in identifying practical ways of lowering costs and increasing investments in energy efficiency technologies.

(b) MEMBERSHIP.—The advisory committee established under this section shall have a balanced membership that shall include members representing the following communities:

(1) Providers of seed capital.

(2) Venture capitalists.

(3) Private equity sources.

(4) Investment banking corporate finance.

(5) Investment banking mergers and acquisitions.

(6) Equity capital markets.

(7) Debt capital markets.

(8) Research analysts.

(9) Sales and trading.

(10) Commercial lenders.

(11) Residential lenders.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to the Secretary of Energy for carrying out this section.

PART 9—ENERGY EFFICIENCY BLOCK GRANT PROGRAM

SEC. 9091. DEFINITIONS.

For purposes of this part—

(1) the term ''eligible entity'' means a State or an eligible unit of local government within a State;

(2) the term ''eligible unit of local government'' means—

(A) a city with a population of at least 50,000; and

(B) a county with a population of at least 200,000;

(3) the term ''Secretary'' means the Secretary of Energy; and

(4) the term ''State'' means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

SEC. 9092. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish an Energy Efficiency Block Grant Program to make block grants to eligible entities as provided in this part.

SEC. 9093. ALLOCATIONS.

(a) IN GENERAL.—Of the funds appropriated for making grants under this part for each fiscal year, the Secretary shall allocate 70 percent to be provided to eligible units of local government as provided in subsection (b) and 30 percent to be provided to States as provided in subsection (c).

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—The Secretary shall provide grants to eligible units of local government according to a formula giving equal weight to—

(1) population, according to the most recent available Census data; and

(2) daytime population, or another similar factor such as square footage of commercial, office, and industrial space, as determined by the Secretary.

(c) STATES.—The Secretary shall provide grants to States according to a formula based on population, according to the most recent available Census data.

(d) PUBLICATION OF ALLOCATION FORMULAS.—Not later than 90 days before the beginning of any fiscal year in which grants are to made under this part, the Secretary shall publish in the Federal Register the formulas for allocation described in subsection (b)(1) and (b)(2).

SEC. 9094. ELIGIBLE ACTIVITIES.

Funds provided through a grant under this part may be used for the following activities:

(1) Development and implementation of an Energy Efficiency Strategy under section 9095.

(2) Retaining technical consultant services to assist an eligible entity in the development of such Strategy, including—

(A) formulation of energy efficiency, energy conservation, and energy usage goals;

(B) identification of strategies to meet such goals through efforts to increase energy efficiency and reduce energy consumption;

(C) identification of strategies to encourage behavioral changes among the populace that will help achieve such goals;

(D) development of methods to measure progress in achieving such goals;

(E) development and preparation of annual reports to the citizenry of the eligible entity's energy efficiency strategies and goals, and progress in achieving them; and

(F) other services to assist in the implementation of the Energy Efficiency Strategy.

(3) Conducting energy audits.

(4) Development and implementation of weatherization programs.

(5) Creation of financial incentive programs for energy efficiency retrofits, including zero-interest or low-interest revolving loan funds.

(6) Grants to nonprofit organizations and governmental agencies for energy retrofits.

(7) Development and implementation of energy efficiency programs and technologies for buildings and facilities of nonprofit organizations and governmental agencies.

(8) Development and implementation of building and home energy conservation programs, including—

(A) design and operation of the programs;

(B) identifying the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement protocols; and

(E) identification of energy efficient technologies.

(9) Development and implementation of energy conservation programs, including—

(A) use of flex time by employers;

(B) satellite work centers; and

(C) other measures that have the effect of increasing energy efficiency and decreasing energy consumption.

(10) Development and implementation of building codes and inspection services for public, commercial, industrial, and single and multifamily residential buildings to promote energy efficiency.

(11) Application and implementation of alternative energy and energy distribution technologies that significantly increase energy efficiency and promote distributed resources and district heating and cooling systems.

(12) Development and promotion of zoning guidelines or requirements that result in increased energy efficiency, efficient development, active living land use planning, and infrastructure such as bike lanes and pathways, and pedestrian walkways.

(13) Promotion of greater participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency.

(14) Establishment of a State, county, or city office to assist in the development and implementation of the Energy Efficiency Strategy.

SEC. 9095. REQUIREMENTS.

(a) REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

(1) PROPOSED STRATEGY.—Not later than 1 year after being awarded a grant under this part, an eligible unit of local government shall submit to the Secretary a proposed Energy Efficiency Strategy which establishes goals for increased energy efficiency in the jurisdiction of the eligible units of local government. The Strategy shall include plans for the use of funds received under the grant to assist the eligible unit of local government in the achievement of such goals, consistent with section 9094. In developing such a Strategy, an eligible unit of local government shall take into account any plans for the use of funds by adjoining eligible units of local governments funded under this part.

(2) APPROVAL.—The Secretary shall approve or disapprove a proposed Strategy submitted under paragraph (1) not later than 90 days after receiving it. If the Secretary disapproves a proposed Strategy, the Secretary shall provide to the eligible unit of local government the reasons for such disapproval. The eligible unit of local government may revise and resubmit the Strategy, as many times as required, until approval is granted.

(3) FUNDING FOR PREPARATION OF STRATEGY.—

(A) IN GENERAL.—Until the Secretary has approved a proposed Energy Efficiency Strategy under paragraph (2), the Secretary shall only disburse to an eligible unit of local government $200,000 or 20 percent of the grant, whichever is greater, which may be used only for preparation of the Strategy.

(B) REMAINDER OF FUNDS.—The remainder of an eligible unit of local government's grant funds awarded but not disbursed under subparagraph (A) shall remain available and shall be disbursed by the Secretary upon approval of the Strategy.

(4) LIMITATIONS ON USE OF FUNDS.—Of the amounts provided through a grant under this part, an eligible unit of local government may use—

(A) not more than 10 percent, or $75,000, whichever is greater, for administrative expenses, not including expenses needed to meet reporting requirements under this part;

(B) not more than 20 percent, or $250,000, whichever is greater, for the establishment of revolving loan funds; and

(C) not more than 20 percent, or $250,000, whichever is greater, for subgranting to nongovernmental organizations for the purpose of assisting in the implementation of the Energy Efficiency Strategy.

(5) ANNUAL REPORT.—Not later than 2 years after receipt of the first disbursement of funds from a grant awarded under this part, and annually thereafter, an eligible unit of local government shall submit a report to the Secretary on the status of the Strategy's development and implementation, and, where practicable, a best available assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government.

(b) REQUIREMENTS FOR STATES.—

(1) ALLOCATION OF GRANT FUNDS.—A State receiving a grant under this part shall use at least 70 percent of the funds received to provide subgrants to units of local government in the State that are not eligible units of local government. The State shall make such subgrant awards not later than 6 months after approval of the State's Strategy under paragraph (3).

(2) PROPOSED STRATEGY.—Not later than 120 days the date of enactment of this Act, each State shall submit to the Secretary a proposed Energy Efficiency Strategy which establishes a process for making subgrants described in paragraph (1), and establishes goals for increased energy efficiency in the jurisdiction of the State. The Strategy shall include plans for the use of funds received under a grant under this part to assist the State in the achievement of such goals, consistent with section 9094.

(3) APPROVAL.—The Secretary shall approve or disapprove a proposed Strategy submitted under paragraph (2) not later than 90 days after receiving it. If the Secretary disapproves a proposed Strategy, the Secretary shall provide to the State the reasons for such disapproval. The State may revise and resubmit the Strategy, as many times as required, until approval is granted.

(4) FUNDING FOR PREPARATION OF STRATEGY.—

(A) IN GENERAL.—Until the Secretary has approved a proposed Energy Efficiency Strategy under paragraph (2), the Secretary shall only disburse to a State $200,000 or 20 percent of the grant, whichever is greater, which may be used only for preparation of the Strategy.

(B) REMAINDER OF FUNDS.—The remainder of a State's grant funds awarded but not disbursed under subparagraph (A) shall remain available and shall be disbursed by the Secretary upon approval of the Strategy.

(5) LIMITATIONS ON USE OF FUNDS.—Of the amounts provided through a grant under this part, a State may use not more than 10 percent for administrative expenses.

(6) ANNUAL REPORTS.—A State shall annually report to the Secretary on the development and implementation of its Strategy. Each such report shall include—

(A) a status report on the State's subgrant program described in paragraph (1);

(B) a best available assessment of energy efficiency gains achieved through the State's Strategy; and

(C) specific energy efficiency and energy conservation goals for future years.

(c) STATE AND LOCAL ADVISORY COMMITTEE.—

(1) STATE AND LOCAL ADVISORY COMMITTEE.—The Secretary shall establish a State and Local Advisory Committee to provide advice regarding the administration, direction, and evaluation of the program under this part.

SEC. 9096. REVIEW AND EVALUATION.

The Secretary may review and evaluate the performance of grant recipients, including by performing audits, and may deny funding to such grant recipients for failure to properly adhere to—

(1) the Secretary's guidelines and regulations relating to the program under this part, including the misuse or misappropriation of funds; or

(2) the grant recipient's Strategy.

SEC. 9097. TECHNICAL ASSISTANCE AND EDUCATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a technical assistance and education program to provide—

(1) technical assistance to State and local governments;

(2) public education programs;

(3) demonstration of innovative energy efficiency systems and practices; and

(4) identification of effective measurement methodologies and methods for changing or influencing public participation in, and awareness of, energy efficiency programs.

(b) ELIGIBLE RECIPIENTS.—Eligible recipients of assistance under this section shall include State and local governments, State and local government associations, public and private nonprofit organizations, and colleges and universities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $150,000,000 for each of the fiscal years 2008 through 2012.

SEC. 9098. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—There are authorized to be appropriated to the Secretary for grants under this part, $2,000,000,000 for each of fiscal years 2008 through 2012.

(b) ADMINISTRATION.—There are authorized to be appropriated to the Secretary for administrative expenses of the program established under this part—

(1) $20,000,000 for fiscal year 2008;

(2) $20,000,000 for fiscal year 2009;

(3) $25,000,000 for fiscal year 2010;

(4) $25,000,000 for fiscal year 2011; and

(5) $30,000,000 for fiscal year 2012.

Subtitle B—Smart Grid Facilitation

SEC. 9101. SHORT TITLE.

This subtitle may be cited as the ''Smart Grid Facilitation Act of 2007''.

PART 1—SMART GRID

SEC. 9111. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

(a) SMART GRID CHARACTERISTICS.—It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to incorporate digital information and controls technology and to share real-time pricing information with electricity customers to achieve each of the following, which together characterize a smart grid:

(1) Increased reliability, security and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.

(3) Deployment and integration of distributed resources and generation.

(4) Development and incorporation of demand response demand-side resources, and energy efficiency resources.

(5) Deployment of ''smart'' technologies for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of ''smart'' appliances and consumer devices.

(7) Deployment and integration of renewable energy resources, both to the grid and on the customer side of the electric meter.

(8) Deployment and integration of advanced electricity storage and peak-sharing technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(9) Provision to consumers of new information and control options.

(10) Continual environmental improvement in electricity production and distribution.

(11) Enhanced capacity and efficiency of electricity networks, reduction of line losses, and maintenance of power quality.

(b) SUPPORT.—The Secretary of Energy and the Federal Energy Regulatory Commission and other Federal agencies as appropriate shall undertake programs to support the development and demonstration of Smart Grid technologies and standards to maximize the achievement of these goals.

(c) BARRIERS.—It is further the policy of the United States that no State, State agency, or local government or instrumentality thereof should prohibit, or erect unreasonable barriers to, the deployment of smart grid technologies on an electric utility's distribution facilities, or unreasonably limit the services that may be provided using such technologies.

(d) INFORMATION.—It is further the policy of the United States that electricity purchasers are entitled to receive information about the varying value of electricity at different times and places, and that States shall not prohibit nor erect unreasonable barriers to the provision of such information flows to end users.

SEC. 9112. GRID MODERNIZATION COMMISSION.

(a) ESTABLISHMENT AND MISSION.—

(1) ESTABLISHMENT.—The President shall establish a Grid Modernization Commission composed of 9 members. Three members of the Commission shall be appointed by the President, and one each shall be appointed by the Speaker and Minority Leader of the United States House of Representatives and by the Majority Leader and Minority Leader of the United States Senate. Two members shall be appointed by the President from among persons recommended by an association representing State utility regulatory commissioners. The President shall designate one Commissioner to serve as Chairperson.

(2) MISSION.—The mission of the Grid Modernization Commission shall be to facilitate the adoption of Smart Grid standards, technologies, and practices across the Nation's electricity grid to the point of general adoption and ongoing market support in the United States electric sector. The Commission shall be responsible for monitoring developments, encouraging progress toward common standards and protocols, identifying barriers and proposing solutions, coordinating with all Federal departments and agencies, and coordinating approaches on smart grid implementation with States and local governmental authorities.

(b) MEMBERSHIP.—The members appointed to the Commission shall, collectively, have qualifications in electric utility operations and infrastructure, digital information and control technologies, security, market development, finance and utility regulation, energy efficiency, demand response, renewable energy, and consumer protection.

(c) AUTHORITIES TO INTERVENE.—The Commission shall have the authority to intervene and represent itself before the Federal Energy Regulatory Commission and other Federal and State agencies as it deems necessary to accomplish its mission.

(d) TERMS OF OFFICE.—The term of office of each Commissioner shall be 5 years, and any member may be reappointed for not more than one additional term of 5 years.

(e) TERMINATION.—Unless extended by Act of Congress, the Commission shall complete its work and cease its activities by January 1, 2020, or on such earlier date that the Commission determines that the proliferation, evolution, and adaptation of Smart Grid technologies no longer require Federal leadership and assistance.

(f) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(g) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) MEETINGS.—The Commission shall meet at the call of the Chairman. Commission meetings shall be open to the public, but as many as three Commissioners may meet in private without constituting a meeting requiring public access.

(i) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to the Commission.

(j) OFFICES AND STAFF.—The Secretary of Energy shall provide the Commission with offices in the Department of Energy and shall make available to the Commission the expertise and staff resources of both the Office of Electricity Delivery and Energy Reliability and the Office of Energy Efficiency and Renewable Energy.

(k) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(l) EXECUTIVE DIRECTOR.—The Secretary of Energy shall appoint an officer of the Senior Executive Service to serve as Executive Director to the Commission.

(m) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(n) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this part. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission. The Commission shall maintain the same level of confidentiality for such information made available under this subsection as is required of the head of the department or agency from which the information was obtained.

(o) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 9113. GRID ASSESSMENT AND REPORT.

(a) IN GENERAL.—The Grid Modernization Commission shall undertake, and update on a biannual basis, an assessment of the progress toward modernizing the electric system from generation to ultimate electricity consumption, including implementation of ''smart grid'' technologies. The Commission shall prepare this assessment with input from stakeholders including but not limited to electric utilities, other Federal offices, States, companies involved in developing related technologies, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, electricity customers, and persons with special related expertise. The assessment shall include each of the following:

(1) An updated inventory of existing smart grid systems.

(2) A description of the condition of existing grid infrastructure and procedures for determining the need for new infrastructure;

(3) A description of any plans of States, utilities, or others to introduce smart grid systems and technologies.

(4) An assessment of constraints to deployment of smart grid technology and most important opportunities for doing so, including the readiness or lack thereof of enabling technologies.

(5) An assessment of remaining potential benefits resulting from introduction of smart grid systems, including benefits related to demand-side efficiencies, improved reliability, improved security, reduced prices, and improved integration of renewable resources.

(6) Recommendations for legislative or regulatory changes to remove barriers to and create incentives for smart grid system implementation and to meet the policy goals of this title.

(7) An estimate of the potential costs required for modernization of the electricity grid, with specificity relative to geographic areas and components of the grid, together with an assessment of whether the necessary funds would be available to meet such costs, and the sources of such funds.

(8) An assessment of ancillary benefits to other economic sectors or activities beyond the electricity sector, such as potential broadband service over power lines.

(9) An assessment of technologies, activities or opportunities in energy end use devices, customer premises, buildings, and power generation and storage devices that could accelerate or expand the impact and effectiveness of smart grid advances.

(10) An assessment of potential risks to personal privacy, corporate confidentiality, and grid security from the spread of smart grid technologies, and if so what additional measures and policies are needed to assure privacy and information protection for electric customers and grid partners, and cybersecurity protection for extended grid systems.

(11) An assessment of the readiness of market forces to drive further implementation and evolution of ''smart grid'' technologies in the absence of government leadership.

(12) Recommendations to the Secretary of Energy and other Federal officers on actions they should take to assist.

The Commission may request electric utilities to provide information relating to deployment and planned deployment of smart grid systems and technologies. At the request of the utility, the Commission shall maintain the confidentiality of utility-specific or specific security-related information. The Commission shall provide opportunities for input and comment by interested persons, including representatives of electricity consumers, Smart Grid technology service providers, the electric utility industry, and State and local government.

(b) STATE AND REGIONAL ASSESSMENT AND REPORT.—States or groups of States are encouraged to participate in the development of State or region-specific components of the assessment and report under subsection (a). Such State-specific components may address the assessment and reporting criteria above but also may include but not be limited to any of the following:

(1) Assessment of types of security threats to electricity delivery.

(2) Energy assurance and response plans to address security threats.

(3) Plans for introduction of smart grid systems and technologies over 3, 5, and 10 year planning horizons.

The Commission may make grants to States that begin development of a State or Regional Plan within 180 days after the enactment of this Act to offset up to one-half of the costs required to develop such plans.

(c) SMART GRID REPORT.—Based on its completed initial assessment under subsection (a), the Commission shall submit a report to Congress and the President not later than 2 years after the date of enactment of this Act and subsequent reports every 2 years thereafter. Each report shall include recommendations to the President and to the Congress on actions necessary to modernize the electricity grid. The Commission shall annually update and revise its report and as well as conduct ongoing monitoring and evaluation activities.

(d) CONSULTATION AND PUBLIC INPUT.—The Commission shall consult with the Secretary of Energy and the Federal Energy Regulatory Commission on technical issues associated with advanced electricity grid technologies. The Commission shall to the extent feasible provide for broad and frequent input from stakeholders and the general public.

(e) INTEROPERABILITY PROTOCOLS AND MODEL STANDARDS FOR INFORMATION MANAGEMENT.—

(1) IN GENERAL.—The Grid Modernization Commission shall work with the National Institute of Standards and Technology, as well as with Smart Grid stakeholders, to develop protocols and model standards for information management to achieve interoperability of smart grid devices and systems. Such protocols and model standards shall be flexible, uniform, and technology-neutral, including but not limited to technologies for communication of Smart Grid information. Such protocols and standards shall further align policy, business, and technology approaches in a manner that—

(A) enables all electric resources, including demand-side resources, storage devices, renewable generation resources, other distributed generation resources, to be interconnected to and function compatibly with the grid, on an automated basis to the extent appropriate;

(B) enables electricity-consuming equipment to communicate with and contribute to an efficient, reliable electricity network, on an automated basis to the extent appropriate;

(C) enhances two-way communication between Smart-Grid enabled devices connected to the electric power grid;

(D) supports the ability of Smart-Grid enabled devices to exchange information, regardless of the operating system, programming languages, or media of communication utilized by such devices;

(E) enables the operators of utilities and regional system operators of the grid to automatically detect anomalies and respond to isolate areas affected in order to maintain reliability; and

(F) enables State regulators and individual utility managers to develop rate structures and regulations incorporating Smart Grid capabilities for the benefit of consumers and the electricity system, accommodating increased demand response and distributed generation.

(2) MEETINGS AND WORKING GROUP FOR DEVELOPMENT OF INTEROPERABILITY PROTOCOLS AND MODEL STANDARDS.—Within 60 days after the enactment of this section, the Director of the National Institute of Standards and Technology shall convene meetings of experts and stakeholders to discuss and achieve such standards, for the purpose of forming an ongoing voluntary working group. Upon the creation of the Grid Modernization Commission, the Commission shall assume the role of convening further such meetings and collaborating with such a working group to continue progress towards such standards, with continued technical support from the Director of the National Institute of Standards and Technology. The Gridwise Architecture Council, the International Electrical and Electronics Engineers, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, and National Electrical Manufacturer's Association shall be among stakeholders invited to such meetings, together with other groups of manufacturers of equipment that could usefully be Smart-Grid capable, groups of customers, State and Federal regulators, electric utility groups, communications and computer experts, and other Federal offices and agencies that have roles related to security, communications, computerization, and reliability of the electricity system.

(3) REPORTING AND ADOPTION OF PROTOCOLS AND MODEL STANDARDS.—

(A) REPORTING REQUIREMENTS.—The Director of the National Institute of Standards and Technology and the Grid Modernization Commission, after it is created, shall report annually to Congress on the progress of creating such protocols and model standards.

(B) ADOPTION.—The Commission shall review such protocols and standards as are recommended by the working group and, upon finding that they meet the goals stated in paragraph (1), shall publish such finding, and shall encourage utilities, regulators, and other stakeholders to adopt to such standards.

(C) PUBLICATION.—Except to the extent they may allow or create threats to grid reliability and security, such standards and protocols shall be made publicly available for general use by manufacturers, utilities, regulators, and others.

(D) GOAL.—The intent of Congress is that such protocols and model standards will be initially developed, reviewed, and approved for general adoption, subject to further improvements, within 3 years of the enactment of this section.

(f) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section—

(1) $5,000,000 to the National Institute of Standards and Technology for each of fiscal years 2009 through 2012, and such sums as may thereafter be necessary to support the purposes of this section; and

(2) $20,000,000 to the Secretary of Energy to support the operations of the Grid Modernization Commission for each of fiscal years 2009 through 2020.

SEC. 9114. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary of Energy shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fourth of qualifying Smart Grid investments.

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of enactment of this Act:

(1) In the case of appliances covered for purposes of establishing energy conservation standards under part B of title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291 and following), the documented expenditures incurred by a manufacturer of such appliances associated with purchasing or designing, creating the ability to manufacture, and manufacturing and installing for one calendar year, internal devices that allow the appliance to engage in Smart Grid functions.

(2) In the case of specialized electricity-using equipment, including motors and drivers, installed in industrial or commercial applications, the documented expenditures incurred by its owner or its manufacturer of installing devices or modifying that equipment to engage in Smart Grid functions.

(3) In the case of transmission and distribution equipment fitted with monitoring and communications devices to enable smart grid functions, the documented expenditures incurred by the electric utility to purchase and install such monitoring and communications devices.

(4) In the case of metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility and its customers to purchase and install such devices.

(5) In the case of software that enables devices or computers to engage in Smart Grid functions, the documented purchase costs of the software.

(6) In the case of entities that operate or coordinate operations of regional electric grids, the documented expenditures for purchasing and installing such equipment that allows Smart Grid functions to operate and be combined or coordinated among multiple electric utilities and between that region and other regions.

(7) In the case of persons or entities other than electric utilities owning and operating a distributed electricity generator, the documented expenditures of enabling that generator to be monitored, controlled, or otherwise integrated into grid operations and electricity flows on the grid utilizing Smart Grid functions.

(8) In the case of electric or hybrid-electric vehicles, the documented expenses for devices that allow the vehicle to engage in Smart Grid functions.

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary of Energy shall identify. In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(2) After the effective date of a standard under paragraph (21) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (relating to Smart Grid information), an

investment that is not in compliance with such standard.

(3) After the development and publication by the Commission of protocols and model standards for interoperability of smart grid devices and technologies, an investment that fails to incorporate any of such protocols or model standards.

(4) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(5) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(6) Expenditures for travel, lodging, meals or other personal costs.

(7) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(8) Such other expenditures that the Secretary of Energy determines not to be Qualifying Smart Grid Investments by reason of the lack of the ability to perform smart grid functions or lack of direct relationship to smart grid functions.

(d) SMART GRID FUNCTIONS.—The term ''smart grid functions'' means any of the following:

(1) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system, through one or a combination of devices and technologies.

(2) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time or use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device.

(3) The ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize or report that information by digital means.

(4) The ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations.

(5) The ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices.

(6) The ability of any appliance or machine to respond to such signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention.

(7) The ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual.

(8) The ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in voltage control, provide operating reserves, and provide frequency regulation.

(9) Such other functions as the Secretary of Energy may identify as being necessary or useful to the operation of a Smart Grid.

(e) OFFICE.—The Secretary of Energy shall—

(1) establish an Office to administer the Smart Grid Investment Grant Program, assuring that expert resources from the Commission on Grid Modernization, the Office of Energy Distribution and Electricity Reliability, and the Office of Energy Efficiency and Renewable Energy are fully available to advise on its administration and actions;

(2) appoint a Senior Executive Service officer to direct the Office, together with such personnel as are required to administer the Smart Grid Investment Grant program;

(3) establish and publish in the Federal Register, within 180 days after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fourth of their documented expenditures;

(4) establish procedures to assure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid.;

(5) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(6) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made;

(7) establish procedures to provide, in the event appropriated moneys in any year are insufficient to provide reimbursements for qualifying Smart Grid investments, that such reimbursement would be made in the next fiscal year or whenever funds are again sufficient, with the condition that the insufficiency of funds to reimburse Qualifying Smart Grid Investments from moneys appropriated for that purpose does not create a Federal obligation to that applicant; and

(8) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgement of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy the sums of—

(1) $10,000,000 for each of fiscal years 2008 through 2012 to provide for administration of the Smart Grid Investment Matching Fund; and

(2) $250,000,000 for fiscal year 2008 and $500,000,000 for each of fiscal years 2009 through 2012 to provide reimbursements of one-fourth of Qualifying Smart Grid Investments.

SEC. 9115. SMART GRID TECHNOLOGY DEPLOYMENT.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary of Energy shall conduct programs to—

(1) deploy advanced techniques for measuring peak load reductions and energy efficiency savings on customer premises from smart metering, demand response, distributed generation and electricity storage systems;

(2) implement means for demand response, distributed generation, and storage to provide ancillary services;

(3) advance the use of wide-area measurement networks including data mining, visualization, advanced computing, and secure and dependable communications in a highly distributed environment; and

(4) implement reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios.

(b) SMART GRID REGIONAL DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a program of demonstration projects specifically focused on advanced technologies for power grid sensing, communications, analysis, and power flow control, including the integration of demand-side resources into grid management. The goals of this program shall be to—

(A) demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies; and

(C) facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control and reliability.

(2) DEMONSTRATION PROJECTS.—The Secretary shall establish Smart Grid demonstration projects for not more than 5 electric utility systems of various types and sizes under this subsection. Such demonstration projects shall be undertaken in cooperation with the electric utility. Under such demonstration projects, financial assistance shall be available to cover not more than one-half of the qualifying Smart Grid technology investments made by the electric utility. Any project receiving financial assistance under this section shall not be eligible to receive financial assistance (including loan guarantees) under any other Federal program.

(c) AUTHORIZATION.—

(1) POWER GRID DIGITAL INFORMATION TECHNOLOGY PROGRAMS.—There are authorized to be appropriated to carry out subsection (a) such sums as are necessary for each of the fiscal years 2008 through 2012.

(2) SMART GRID REGIONAL DEMONSTRATION PROGRAM.—There is authorized to be appropriated to carry out subsection (b) $20,000,000 for each of the fiscal years 2008 through 2012.

SEC. 9116. SMART GRID INFORMATION REQUIREMENTS.

(a) FINDINGS.—Congress finds that Smart Grid technologies will require, for their optimum use by electricity consumers, that such consumers have access to information on prices, use, and other factors in possession of their utilities or electricity suppliers, in order to assist the customers in optimizing their electricity use and limiting the associated environmental impacts.

(b) DEVELOPMENT OF RULES.—The Commission on Grid Modernization shall within one year of its initial meeting develop and declare a standard for the collection, presentation and delivery of information to electricity purchasers as required by the standard under section 111(d)(21) of the Public Utility Regulatory Policies Act of 1978. Such standard shall provide purchasers with different access options for such information. Such standard shall be developed with input from the Secretary of Energy, the Federal Energy Regulatory Commission, the Administrator of the Environmental Protection Agency, States, and stakeholders representing, but not limited to, electric utilities, energy efficiency and demand response experts, environmental organizations and consumer organizations.

(c) APPLICATION OF SMART GRID INFORMATION STANDARD TO FEDERAL ENTITIES AND WHOLESALE MARKETS.—Within 60 days of the declaration of the standard under subsection (b), the Federal Energy Regulatory Commission shall propose a rule under which all public utilities, with respect to federally jurisdictional sales for resale of electricity in interstate commerce, and all approved regional transmission organizations subject to

its jurisdiction, will implement those elements of the Smart Grid information standard developed pursuant to this section that the Commission determines to be relevant and to add value for purchasers of wholesale power or those utilizing interstate transmission. The Tennessee Valley Authority, Bonneville Power Administration, and Federal power administrations shall, within 90 days of the adoption of a final rule by the Commission, adopt it for their own sales or transmission of electricity.

SEC. 9117. STATE CONSIDERATION OF INCENTIVES FOR SMART GRID.

(a) CONSIDERATION OF ADDITIONAL STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end:

''(16) UTILITY INVESTMENT IN SMART GRID INVESTMENTS.—Each electric utility shall prior to undertaking investments in non-advanced grid technologies demonstrate that alternative investments in advanced grid technologies have been considered, including from a standpoint of cost-effectiveness, where such cost-effectiveness considers costs and benefits on a life-cycle basis.

''(17) UTILITY COST OF SMART GRID INVESTMENTS.—Each electric utility shall be permitted to—

''(A) recover from ratepayers the capital and operating expenditures and other costs of the utility for qualified smart grid system, including a reasonable rate of return on the capital expenditures of the utility for a qualified smart grid system, and

''(B) recover in a timely manner the remaining book-value costs of equipment rendered obsolete by the deployment of a qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(18) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.

''(19) SMART GRID INFORMATION.—

''(A) STANDARD.—All electricity purchasers shall be provided direct access, both in written and electronic machine-readable form, to information from their electricity provider as provided in subparagraph (B).

''(B) INFORMATION.—Information provided under this section shall conform to the standardized rules issued by the Commission on Grid Modernization under section 9116(b) of the Smart Grid Facilitation Act of 2007 and shall include:

''(i) PRICES.—Purchasers and other interested persons shall be provided with information on:

''(I) Time-based electricity prices in the wholesale electricity market; and

''(II) Time-based electricity retail prices or rates that are available to the purchasers.

''(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them

''(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

''(iv) SOURCES.—Purchasers and other interested person shall be provided with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions and criteria pollutants associated each type of generation, for intervals during which such information is available on a cost-effective basis, but not less than monthly.

''(C) ACCESS.—Purchasers shall be able to access their own information at any time through the internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.''.

(b) RECONSIDERATION OF CERTAIN STANDARDS.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding the following at the end thereof:

''(g) RECONSIDERATION OF PRIOR TIME-OF-DAY AND COMMUNICATION STANDARDS.—Not later than 1 year after the enactment of this subsection, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence a reconsideration under section 111, or set a hearing date for reconsideration, with respect to the standards established by paragraphs (3) and (14) of section 111(d) to take into account Smart Grid technologies. Not later than 2 years after the date of the enactment of this subsection, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the reconsideration, and shall make the determination, referred to in section 111 with respect to the standards established by paragraphs (3) and (14) of section 111(d).''.

(c) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

''(6)(A) Not later than 1 year after the enactment of this paragraph, but not less than 3 years after the conclusion of any prior review of such standards, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (16) through (18) of section 111(d). Not later than 6 months after the promulgation of rules by the Commission on Grid Modernization under section 9116(b) of the Smart Grid Facilitation Act of 2007, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (19) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of the this paragraph, but not less than 4 years after the conclusion of any prior review of such standard, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (16) through (18) of section 111(d). Not later than 18 months after the promulgation of rules by the Commission on Grid Modernization under section 9116(b) of the Smart Grid Facilitation Act of 2007 each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraph (19) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of such Act is amended by adding the following at the end: ''In the case of the standards established by paragraphs (16) through (19) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.''.

(3) PRIOR STATE ACTIONS.—Section 112(d) of such Act is amended by inserting ''and paragraphs (16) through (18)'' before ''of section 111(d)''.

SEC. 9118. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary of Energy shall, within 6 months after the Grid Modernization Commission completes its first biennial assessment and report under section 9113 of this Act, submit a report to Congress that provides a quantitative assessment and determination of the existing and potential impacts of the deployment of Smart Grid systems on improving the security of the Nation's electricity infrastructure and operating capability. The report shall include but not be limited to specific recommendations on each of the following:

(1) How smart grid systems can help in making the Nation's electricity system less vulnerable to disruptions due to intentional acts against the system.

(2) How smart grid systems can help in restoring the integrity of the Nation's electricity system subsequent to disruptions.

(3) How smart grid systems can facilitate emergency communications and control of the Nation's electricity system during times of localized or nationwide emergency.

(b) CONSULTATION.—The Secretary shall consult with other Federal agencies in the development of the report under this section, including but not limited to the Secretary of Homeland Security, the Federal Energy Regulatory Commission and the Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (16 U.S.C. 824 o) as added by section 1211 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 941)

(c) FUNDING.—The Secretary shall fund demonstration projects for the purpose of demonstrating the findings of the report under this section. Not more than $10,000,000 are authorized to be appropriated for such projects.

PART 2—DEMAND RESPONSE

SEC. 9121. ELECTRICITY SECTOR DEMAND RESPONSE.

(a) AMENDMENT OF NECPA.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8201 and following) is amended by adding the following new part at the end thereof:

"PART 5—PEAK DEMAND REDUCTION

"SEC. 571. DEFINITIONS.

''(a) SECRETARY.—As used in this part, the term 'Secretary' means the Secretary of Energy.

''(b) FEDERAL AGENCY.—As used in this part, the term 'Federal agency' has the same meaning as provided by section 551 of this Act.

"SEC. 572. FEDERAL ELECTRICITY PEAK DEMAND REDUCTION STANDARD.

''(a) 2008 AGENCY ANNUAL ENERGY PLAN.—Each Federal agency shall prepare, and include in its annual report under section 548(a) of this Act, each of the following:

''(1) A determination of the agency's aggregate electricity demand during the system peak hours for the utilities providing electricity service to its facilities during 2006 and 2007.

''(2) A forecast for each year through 2018 of the projected growth in such peak demand in light of projected growth of facilities, staff, activities, electric intensity of activities, and other relevant factors.

''(b) FEDERAL ELECTRICITY PEAK DEMAND REDUCTION STANDARD.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for calendar year 2009 and each calendar year thereafter, each Federal agency shall reduce its aggregate peak electricity demand or make such amounts of electricity demand available in the form of demand response, by the percentage amount specified in the Federal Electricity Peak Demand Reduction Standard set forth in the following table:

"Federal Electricity Peak Demand Reduction Standard

Calendar Year	Reduction of Peak Demand Forecast
2009	2 percent of the peak demand forecast for calendar year 2009
2010	4 percent of the peak demand forecast for calendar year 2010
2011	6 percent of the peak demand forecast for calendar year 2011
2012	8 percent of the peak demand forecast for calendar year 2012
2013	10 percent of the peak demand forecast for calendar year 2013
2014	12 percent of the peak demand forecast for calendar year 2014
2015	14 percent of the peak demand forecast for calendar year 2015
2016	16 percent of the peak demand forecast for calendar year 2016
2017	18 percent of the peak demand forecast for calendar year 2017
2018 and each calendar year thereafter.	20 percent of the peak demand forecast for the applicable calendar year

In the table above, the term 'forecast' refers to the forecast set forth in the 2008 report under section 548(a) of this Act as updated in accordance with subsection in (c)(1)(C).

''(2) EXCEPTION.—The standard under this subsection shall not apply to any activity of a Federal agency relating to defense or national security if compliance with the standard would have an adverse mission impact on the activity, as determined by the Secretary of Defense or the Secretary of Homeland Security.

''(c) IMPLEMENTATION OF STANDARD.—

''(1) IN GENERAL.—Not later than January 1, 2010, and each calendar year thereafter, each Federal agency shall include in the annual energy plan of the Federal agency each of the following:

''(A) An assessment of whether the Federal agency was in compliance with the standard under subsection (b) for the preceding year.

''(B) A description of—

''(i) the method by which the Federal agency proposes to comply with the standard for the following calendar year; and

''(ii) the factors relied on by the head of the Federal agency in determining whether to participate in demand response programs offered by an electric utility or others during the preceding calendar year; and

''(iii) if the Federal agency did not participate in a demand response program offered by each utility providing electric service to facilities of the agency during the preceding calendar year, an explanation for the decision by the head of the Federal agency to not participate.

''(C) An update of the agency's prior forecast for the remaining years in the period until 2018.

''(2) AVAILABILITY TO PUBLIC.—Not later than January 1, 2010, and each calendar year thereafter, the head of each Federal agency shall make available to the public a description of each provision included in the annual energy plan of the Federal agency described in subparagraphs (A) through (C) of paragraph (1).

''(d) MODIFICATIONS TO FEDERAL ENERGY MANAGEMENT PROGRAM.—The Secretary shall make any modification to the Federal Energy Management Program of the Department of Energy that the Secretary determines to be necessary to—

''(1) incorporate the standard established under subsection (b) into the Federal Energy Management Program;

''(2) assist any Federal agency to comply with the standard established under subsection (b) through any appropriate means, including conducting 1 or more demonstration projects at Federal facilities.

''(e) ANNUAL REPORT.—Not later than March 1, 2010, and annually thereafter, the Secretary shall submit to Congress a report that evaluates the success of agencies in meeting the standard established under subsection (b) and the success of the Federal Energy Management Program in assisting agencies with meeting the standard, and the costs and benefits of such participation.

"SEC. 573. NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

''(a) NATIONAL ASSESSMENT AND REPORT.—The Grid Modernization Commission established under subtitle A of title I of the Smart Grid Facilitation Act of 2007 shall conduct a National Assessment of Demand Response. The Commission shall, within 18 months of the date on which the full Commission first meets, submit a Report to Congress that includes each of the following:

''(1) Estimation of nationwide demand response potential in 5 and 10 year horizons, including data on a State-by-State basis, and a methodology for updates of such estimates on an annual basis.

''(2) Estimation of how much of this potential can be achieved within 5 and 10 years after the enactment of this Act accompanied by specific policy recommendations that if implemented can achieve the estimated potential. Such recommendations shall include options for funding and/or incentives for the development of demand response resources. The Commission shall seek to take advantage of preexisting research and ongoing work, and shall assume that there is no duplication of effort. The Commission shall further note any barriers to demand response programs that are flexible, non-discriminatory, and fairly compensatory for the services and benefits made available and shall provide recommendations for overcoming such barriers.

''(b) NATIONAL ACTION PLAN ON DEMAND RESPONSE.—The Grid Modernization Commission shall further develop and implement a National Action Plan on Demand Response. Such Plan shall be completed within one year after the completion of the National Assessment of Demand Response, and shall meet each of the following objectives:

''(1) Provision of adequate technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed.

''(2) Implementation of a national communications program that includes broad-based customer education and support.

''(3) Development and dissemination of tools, information and other support mechanisms for use by customers, states, utilities and demand response providers.

''(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for each of the fiscal years 2008 and 2009 and $20,000,000 for each of the fiscal years 2010 through 2020.

"SEC. 574. REPORT ON ENVIRONMENTAL ATTRIBUTES AND IMPACTS OF DEMAND RESPONSE AND SMART GRID SYSTEMS.

''(a) REPORT.—The Administrator of the Environmental Protection Agency shall solicit public input and, within 6 months after completion of the National Assessment of Demand Response required by section 573, submit a report to Congress that addresses each of the following:

''(1) A quantitative assessment and determination of the existing and potential impacts of demand response and 'smart grid' systems on air emissions and air quality, including but not limited to carbon dioxide, oxides of nitrogen and oxides of sulfur.

''(2) An assessment and determination of the existing and potential impacts of demand response and 'smart grid' systems on environmental parameters other than emissions and air quality, including but not limited to:

''(A) Land use.

''(B) Water use.

''(C) Use of renewable energy.

''(D) Effect on energy sources other than electricity.

''(3) A detailed plan for how Energy Efficiency and Clean Energy programs administered by the Agency, including the Energy Star Program, will incorporate and encourage end-use efficiency, demand response and 'smart grid' systems and technologies, including but not limited to each of the following:

''(A) Requirements that appliances and other equipment are capable of manually and automatically receiving and acting upon pricing and control information and or instructions provided by the customer, a load serving entity or a third-party designated by the customer.

''(B) Requirements for time-based valuation of kilowatt hour reductions in planning and evaluation of energy efficiency programs.

''(C) Education and communication, including to state energy officials and state regulators, that build awareness of demand response and smart grid systems and technologies and their existing and potential relationship to such Agency programs.

''(b) FUNDING.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010, to remain available until expended.''.

(b) TABLE OF CONTENTS.—The table of contents for such Act is amended by adding the

following after the items relating to part 4 of title V:

''PART 5—PEAK DEMAND REDUCTION

''Sec. 571. Definitions.
''Sec. 572. Federal Electricity Peak Demand Reduction Standard.
''Sec. 573. National action plan for demand response.
''Sec. 574. Report on environmental attributes and impacts of demand response and smart grid systems.''.

Subtitle C—Loan Guarantees

SEC. 9201. AMOUNT OF LOANS GUARANTEED.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by amending subsection (c) to read as follows:

''(c) AMOUNT.—

''(1) PERCENTAGE OF PROJECT COST.—A guarantee by the Secretary shall not exceed an amount equal to 80 percent of the project cost of the facility that is the subject of the guarantee, as estimated at the time at which the guarantee is issued, and shall be no less than the minimum amount determined by the Secretary to be likely to attract non-guaranteed investment adequate to capitalize the project.

''(2) PERCENTAGE OF LOAN.—Subject to paragraph (1), the Secretary may guarantee up to 100 percent of any loan or other debt obligation of the borrower to fund an eligible project, and may not issue a rule or regulation establishing a lower percentage limit.''; and

(2) by adding at the end the following new subsection:

''(k) WAGES.—No loan guarantee shall be made under this title unless the borrower has provided to the Secretary reasonable assurances that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with the loan will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).''.

SEC. 9202. EXCLUSION OF CATEGORIES.

Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following new subsection:

''(c) EXCLUSION OF CATEGORIES.—No appropriation authorized pursuant to this section may exclude any category of eligible project described in section 1703.''.

Subtitle D—Renewable Fuel Infrastructure and International Cooperation

PART 1—RENEWABLE FUEL INFRASTRUCTURE

SEC. 9301. RENEWABLE FUEL INFRASTRUCTURE DEVELOPMENT.

(a) DEFINITION.—For purposes of this subtitle—

(1) the term ''renewable fuel'' means E85 biofuel, or B20;

(2) the term ''biofuel'' means fuel produced entirely from biological material and determined by the Department of Energy and the Environmental Protection Agency to be commercially viable;

(3) the term ''B20'' means a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act for fuel containing 20 percent biodiesel;

(4) the term ''E85'' means a fuel blend containing 85 percent denatured ethanol and 15 percent gasoline by volume;

(5) the term ''flexible-fuel vehicle'' means any motor vehicle warranted by the manufacturer of the vehicle as capable of operating on gasoline or diesel fuel and on—

(A) E85; or

(B) B20; and

(6) the term ''motor vehicle'' means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency that are in effect on the date of enactment of this Act—

(A) a light-duty truck;

(B) a light-duty vehicle; or

(C) medium-duty passenger vehicle,

that is designed to be propelled by gasoline or diesel fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—The Secretary of Energy shall establish a program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel. Such infrastructure may include equipment used in the blending, distribution, and transport of such fuels.

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary of Energy shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuels nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

(1) technical advice for compliance with applicable Federal and State environmental requirements;

(2) help in identifying supply sources and securing long-term contracts; and

(3) provision of public outreach, education, and labeling materials.

(d) ALLOCATION.—The Secretary of Energy may reserve funds appropriated for carrying out this section to support renewable fuels infrastructure development projects with a cost of greater than $1,000,000, that are of national significance. The Secretary shall reserve funds appropriated for the renewable fuels infrastructure development grant program for technical and marketing assistance described in subsection (c).

(e) SELECTION CRITERIA.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this section that will maximize the availability and use of renewable fuel, and that will ensure that renewable fuel is available across the country. Such criteria shall provide for—

(1) consideration of the public demand for each renewable fuel in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(2) consideration of the opportunity to create or expand corridors of renewable fuel stations along interstate or State highways;

(3) consideration of the experience of each applicant with previous, similar projects;

(4) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(5) priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuels; and

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this section is completed.

(f) COMBINED APPLICATIONS.—States and local government entities and nonprofit entities may apply for assistance under this section on behalf of a group of retailers within a certain geographic area, or to carry out regional or multistate deployment projects. Any such application shall certify the availability and details of a program to match the Federal grant as required under subsection (g) and list the retail locations that would receive the funds.

(g) LIMITATIONS.—Assistance provided under this section shall not exceed—

(1) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(2) $180,000 for a combination of equipment at any one retail outlet location.

(h) OPERATION OF RENEWABLE FUEL STATIONS.—The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel sales, the type and amount of the renewable fuel dispensed at each location, and the average price of such fuel.

(i) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel station begins to offer renewable fuel to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of Energy of such opening. The Secretary of Energy shall add each new renewable fuel station to the renewable fuel station locator on its Website when it receives notification under this subsection.

(j) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

(l) RESTRICTION.—No grant shall be provided under this section to a large, vertically integrated oil company.

SEC. 9302. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO RENEWABLE FUEL INFRASTRUCTURE.

(a) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

''(a) DEFINITION.—In this section:

''(1) RENEWABLE FUEL.—The term 'renewable fuel' means any fuel—

''(A) at least 85 percent of the volume of which consists of ethanol; or

''(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 C.F.R., Part 80)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

''(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

''(A) a franchise under this Act; and

''(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—No franchise-related document entered into or renewed on or after the date of enactment of this section shall contain any provision allowing a franchisor to restrict the franchisee or any affiliate of the franchisee from—

''(A) installing on the marketing premises of the franchisee a renewable fuel pump or tank, except that the franchisee's franchisor may restrict the installation of a tank on leased marketing premises of such franchisor;

''(B) converting an existing tank or pump on the marketing premises of the franchisee for renewable fuel use, so long as such tank or pump and the piping connecting them are either warranted by the manufacturer or certified by a recognized standards setting organization to be suitable for use with such renewable fuel;

''(C) advertising (including through the use of signage) the sale of any renewable fuel;

''(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

''(E) purchasing renewable fuel from sources other than the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

''(F) listing renewable fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

''(G) allowing for payment of renewable fuel with a credit card,

so long as such activities described in subparagraphs (A) through (G) do not constitute mislabeling, misbranding, willful adulteration, or other trademark violations by the franchisee.

''(2) EFFECT OF PROVISION.—Nothing in this section shall be construed to preclude a franchisor from requiring the franchisee to obtain reasonable indemnification and insurance policies.

''(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an renewable fuel in lieu of 1, and only 1, grade of gasoline.''.

(b) ENFORCEMENT.—Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by striking ''102 or 103'' each place it appears and inserting ''102, 103, or 107''.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by aligning the margin of subparagraph (C) with subparagraph (B).

(2) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

''Sec. 107. Prohibition on restriction of installation of renewable fuel pumps.''; and

(B) by striking the item relating to section 202 and inserting the following:

''Sec. 202. Automotive fuel rating testing and disclosure requirements.''.

SEC. 9303. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) MARKET PENETRATION REPORTS.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary of Energy.

(b) DISPENSER FEASIBILITY STUDY.—Not later than 24 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E–85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

(1) The commercial availability of E–85 fuel and the number of competing E–85 wholesale suppliers in a given region.

(2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E–85 compatible infrastructure.

(3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.

(4) The expense incurred by retailers in the installation and sale of E–85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

SEC. 9304. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 9305. STUDY OF ETHANOL-BLENDED GASOLINE WITH GREATER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Energy and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of widespread utilization in the United States of ethanol blended gasoline with levels of ethanol greater than 10 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing the consumption of ethanol;

(2) an evaluation of the economic, market, and energy impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary for the completion of the study required under this section.

SEC. 9306. STUDY OF THE ADEQUACY OF RAILROAD TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall conduct a study of the adequacy of railroad transportation of domestically-produced renewable fuel.

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

(A) the adequacy of, and appropriate location for, tracks that have sufficient capacity, and are in the appropriate condition, to move the necessary quantities of domestically-produced renewable fuel;

(B) the adequacy of the supply of railroad tank cars, locomotives, and rail crews to move the necessary quantities of domestically-produced renewable fuel in a timely fashion;

(C)(i) the projected costs of moving the domestically-produced renewable fuel using railroad transportation; and

(ii) the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(D) whether there is adequate railroad competition to ensure—

(i) a fair price for the railroad transportation of domestically-produced renewable fuel; and

(ii) acceptable levels of service for railroad transportation of domestically-produced renewable fuel;

(E) any rail infrastructure capital costs that the railroads indicate should be paid by the producers or distributors of domestically-produced renewable fuel;

(F) whether Federal agencies have adequate legal authority to ensure a fair and reasonable transportation price and acceptable levels of service in cases in which the domestically-produced renewable fuel source does not have access to competitive rail service;

(G) whether Federal agencies have adequate legal authority to address railroad service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States; and

(H) any recommendations for any additional legal authorities for Federal agencies to ensure the reliable railroad transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

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

SEC. 9307. STANDARD SPECIFICATIONS FOR BIODIESEL.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by redesignating subsection (s) as subsection (t), redesignating subsection (r) (relating to conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels) as subsection (s) and by adding the following new subsection at the end thereof:

''(u) STANDARD SPECIFICATIONS FOR BIODIESEL.—Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel, not later than 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking establishing a series of uniform per gallon fuel standards for categories of fuels that contain biodiesel, including one standard for fuel containing 20 percent biodiesel, and designate an identification number for fuel meeting each standard in each such category so that vehicle manufacturers are able to design engines to use fuel meeting one or more of such standards. The Administrator shall finalize the standards under this subsection 18 months after the date of the enactment of this subsection.''.

SEC. 9308. GRANTS FOR CELLULOSIC ETHANOL PRODUCTION.

Subsection (s) of section 211 of the Clean Air Act (as added by section 1512 of the Energy Policy Act of 2005) (and as redesignated by section 9307 of this Act), relating to conversion assistance for cellulosic biomass, waste-derived ethanol, and approved renewable fuels, is amended as follows:

(1) By adding the following new subparagraphs at the end of paragraph (3):

''(D) $500,000,000 for fiscal year 2009.

''(E) $500,000,000 for fiscal year 2010.''.

(2) By adding the following new paragraph at the end thereof:

''(5) CRITERIA.—In awarding grants under this section, the Secretary shall give priority to applications that promote feedstock diversity and the geographic dispersion of production facilities.''.

SEC. 9309. CONSUMER EDUCATION CAMPAIGN RELATING TO FLEXIBLE-FUEL VEHICLES.

The Secretary of Transportation, in consultation with the Secretary of Energy, shall carry out an education program to inform consumers about which motor vehicles are flexible-fuel vehicles and how to exercise their opportunity to choose E85 or B20. As part of such program, the Secretary of Transportation may coordinate with motor vehicle manufacturers to notify owners of flexible-fuel vehicles of locations where E85 and B20 are sold in their area.

SEC. 9310. REVIEW OF NEW RENEWABLE FUELS OR NEW RENEWABLE FUEL ADDITIVES.

Notwithstanding any other provision of law, a waiver under section 211(f)(4) of the Clean Air Act for any renewable fuel or renewable fuel additive shall not be considered granted unless the Administrator of the Environment Protection Agency, following a public notice and comment period, takes final action granting the application for a waiver based on an application of the section 211(f)(4) standards and criteria with respect to emissions control devices or systems and vehicle emissions standards to on-road and non-road engines and vehicles. The Administrator shall take final action on an application for a waiver no later than 270 days after the Administrator receives the application.

SEC. 9311. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended—

(1) in subsection (a)—

(A) by inserting '', flexible-fuel,'' after ''production of efficient hybrid''; and

(B) by adding at the end the following: ''Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.''; and

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

''(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the such manufacturing facilities, including by establishing matching grant arrangements.

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

SEC. 9312. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

There are authorized to be appropriated to the Secretary of Energy $50,000,000 for fiscal year 2008, to remain available until expended, for cellulosic ethanol and biofuels research and development grants to 10 entities from among 1890 land grant colleges, Historically Black Colleges or Universities, Tribal serving institutions, or Hispanic serving institutions, selected by the Secretary of Energy to receive a grant under this section through a peer-reviewed competitive process. The selected entities shall then collaborate with one of the Department of Energy's Office of Science Bioenergy Research Centers.

SEC. 9313. FEDERAL FLEET FUELING CENTERS.

(a) IN GENERAL.—Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) REPORT.—Not later than October 31 of the first calendar year beginning after the date of the enactment of this Act, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress toward complying with subsection (a), including identifying—

(1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and

(2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

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

SEC. 9314. STUDY OF IMPACT OF INCREASED RENEWABLE FUEL USE.

(a) IN GENERAL.—The Secretary of Energy shall, after consultation with the Administrator of the Environmental Protection Agency, the Administrator of the Energy Information Administration, and the Secretary of Agriculture, conduct a study to assess the impact of increased use of renewable fuels on the United States economy. The Secretary shall enter into an arrangement with the National Academy of Sciences to provide peer review of the study.

(b) STUDY ELEMENTS.—The study shall analyze, in terms of renewable fuels, the following:

(1) The impact of the use of renewable fuels on the energy security of the United States.

(2) The impact of the use of renewable fuels on public health and the environment, including air and water quality.

(3) The impact of renewable fuels on the infrastructure of the United States, including the deliverability of materials, goods, and products other than alternative fuels.

(4) The impact of the use of renewable fuels on job creation, the price and supply of agricultural commodities, and rural economic development.

(c) PARTICIPATION.—In conducting the study under this section, the Secretary and other agencies shall seek the participation, and consider the input, of the following:

(1) Producers of feed grains.

(2) Producers of livestock, poultry, and pork products.

(3) Producers of energy.

(4) Individuals and entities interested in issues relating to conservation, the environment, and nutrition, and users of renewable fuels.

(d) REPORT.—The Secretary shall submit a report to the Congress containing the initial results of the study under this section not later than 2 years after enactment of this Act and subsequently supplement and update such report every 3 years thereafter.

SEC. 9315. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Dine College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 9316. STUDY OF EFFECT OF OIL PRICES.

The Secretary of Energy shall conduct a study to review the anticipated effects on renewable fuels production if oil were priced no lower than $40 per barrel. The Secretary shall report the findings of such study to Congress by December 31, 2008.

SEC. 9317. BIODIESEL AS ALTERNATIVE FUEL FOR CAFE PURPOSES.

Section 32901(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively, and inserting after subparagraph (I) the following:

''(J) B20 biodiesel blend;''; and

(2) by redesignating paragraphs (7) through (16) as paragraphs (9) through (18), respectively, and insert after paragraph (6) the following:

''(7) 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

''(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

''(B) the requirements of the American Society of Testing and Materials D6751.

''(8) 'B20 biodiesel blend' means a mixture of biodiesel and diesel fuel approximately 20

percent of the content of which is biodiesel, and commonly known as 'B20'.''.

PART 2—UNITED STATES-ISRAEL ENERGY COOPERATION

SEC. 9321. SHORT TITLE.

This part may be cited as the ''United States-Israel Energy Cooperation Act''.

SEC. 9322. FINDINGS.

Congress finds that—

(1) it is in the highest national security interests of the United States to ensure secure access to reliable energy sources;

(2) the United States relies heavily on the foreign supply of crude oil to meet the energy needs of the United States, currently importing 58 percent of the total oil requirements of the United States, of which 45 percent comes from member states of the Organization of Petroleum Exporting Countries (OPEC);

(3) revenues from the sale of oil by some of these countries directly or indirectly provide funding for terrorism and propaganda hostile to the values of the United States and the West;

(4) in the past, these countries have manipulated the dependence of the United States on the oil supplies of these countries to exert undue influence on United States policy, as during the embargo of OPEC during 1973 on the sale of oil to the United States, which became a major factor in the ensuing recession;

(5) research by the Energy Information Administration of the Department of Energy has shown that the dependence of the United States on foreign oil will increase by 33 percent over the next 20 years;

(6) a rise in the price of imported oil sufficient to increase gasoline prices by 10 cents per gallon at the pump would result in an additional outflow of $18,000,000,000 from the United States to oil-exporting nations;

(7) for economic and national security reasons, the United States should reduce, as soon as practicable, the dependence of the United States on nations that do not share the interests and values of the United States;

(8) the State of Israel has been a steadfast ally and a close friend of the United States since the creation of Israel in 1948;

(9) like the United States, Israel is a democracy that holds civil rights and liberties in the highest regard and is a proponent of the democratic values of peace, freedom, and justice;

(10) cooperation between the United States and Israel on such projects as the development of the Arrow Missile has resulted in mutual benefits to United States and Israeli security;

(11) the special relationship between Israel and the United States has been and continues to be manifested in a variety of jointly-funded cooperative programs in the field of scientific research and development, such as—

(A) the United States-Israel Binational Science Foundation (BSF);

(B) the Israel-United States Binational Agricultural Research and Development Fund (BARD); and

(C) the Israel-United States Binational Industrial Research and Development (BIRD) Foundation;

(12) these programs, supported by the matching contributions from the Government of Israel and the Government of the United States and directed by key scientists and academics from both countries, have made possible many scientific breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(13) on February 1, 1996, United States Secretary of Energy Hazel R. O'Leary and Israeli Minister of Energy and Infrastructure Gonen Segev signed the Agreement Between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation, to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(14) the United States and Israeli governments should promote cooperation in a broad range of projects designed to enhance supplies of nonpetroleum energy for both countries, and to provide for cutting edge research in each country;

(15) Israeli scientists and researchers have long been at the forefront of research and development in the field of alternative renewable energy sources;

(16) many of the top corporations of the world have recognized the technological and scientific expertise of Israel by locating important research and development facilities in Israel;

(17) among the technological breakthroughs made by Israeli scientists and researchers in the field of alternative, renewable energy sources are—

(A) the development of a cathode that uses hexavalent iron salts that accept 3 electrons per ion and enable rechargeable batteries to provide 3 times as much electricity as existing rechargeable batteries;

(B) the development of a technique that vastly increases the efficiency of using solar energy to generate hydrogen for use in energy cells; and

(C) the development of a novel membrane used in new and powerful direct-oxidant fuel cells that is capable of competing favorably with hydrogen fuel cells and traditional internal combustion engines; and

(18) cooperation between the United States and Israel in the field of research and development of alternative renewable energy sources would be in the interests of both countries, and both countries stand to gain much from such cooperation.

SEC. 9323. GRANT PROGRAM.

(a) AUTHORITY.—Pursuant to the responsibilities described in section 102(10), (14), and (17) of the Department of Energy Organization Act (42 U.S.C. 7112(10), (14), and (17)) and section 103(9) of the Energy Reorganization Act of 1974 (42 U.S.C. 5813(9)), the Secretary, in consultation with the BIRD or BSF, shall award grants to eligible entities.

(b) APPLICATION.—

(1) SUBMISSION OF APPLICATIONS.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary containing such information and assurances as the Secretary, in consultation with the BIRD or BSF, may require.

(2) SELECTION OF ELIGIBLE ENTITIES.—The Secretary, in consultation with the Directors of the BIRD and BSF, may review any application submitted by any eligible entity and select any eligible entity meeting criteria established by the Secretary, in consultation with the Advisory Board, for a grant under this section.

(c) AMOUNT OF GRANT.—The amount of each grant awarded for a fiscal year under this section shall be determined by the Secretary, in consultation with the BIRD or BSF.

(d) RECOUPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish procedures and criteria for recoupment in connection with any eligible project carried out by an eligible entity that receives a grant under this section, which has led to the development of a product or process which is marketed or used.

(2) AMOUNT REQUIRED.—

(A) Except as provided in subparagraph (B), such recoupment shall be required as a condition for award and be proportional to the Federal share of the costs of such project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

(B) In the case where a product or process is used by the recipient of a grant under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

(3) WAIVER.—The Secretary may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

(A) the commercial competitiveness of the entity or entities developing or using the product or process;

(B) the profitability of the project; and

(C) the commercial viability of the product or process utilized.

(e) PRIVATE FUNDS.—The Secretary may accept contributions of funds from private sources to carry out this part.

(f) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—The Secretary shall carry out this section through the existing programs at the Office of Energy Efficiency and Renewable Energy.

(g) REPORT.—Not later than 180 days after receiving a grant under this section, each recipient shall submit a report to the Secretary—

(1) documenting how the recipient used the grant funds; and

(2) evaluating the level of success of each project funded by the grant.

SEC. 9324. INTERNATIONAL ENERGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established in the Department of Energy an International Energy Advisory Board.

(b) DUTIES.—The Advisory Board shall advise the Secretary on—

(1) criteria for the recipients of grants awarded under section 9323(a);

(2) the total amount of grant money to be awarded to all grantees selected by the Secretary, in consultation with the BIRD; and

(3) the total amount of grant money to be awarded to all grantees selected by the Secretary, in consultation with the BSF, for each fiscal year.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Board shall be composed of—

(A) 1 member appointed by the Secretary of Commerce;

(B) 1 member appointed by the Secretary of Energy; and

(C) 2 members who shall be Israeli citizens, appointed by the Secretary of Energy after consultation with appropriate officials in the Israeli Government.

(2) DEADLINE FOR APPOINTMENTS.—The initial appointments under paragraph (1) shall be made not later than 60 days after the date of enactment of this Act.

(3) TERM.—Each member of the Advisory Board shall be appointed for a term of 4 years.

(4) VACANCIES.—A vacancy on the Advisory Board shall be filled in the manner in which the original appointment was made.

(5) BASIC PAY.—

(A) COMPENSATION.—A member of the Advisory Board shall serve without pay.

(B) TRAVEL EXPENSES.—Each member of the Advisory Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(6) QUORUM.—Three members of the Advisory Board shall constitute a quorum.

(7) CHAIRPERSON.—The Chairperson of the Advisory Board shall be designated by the Secretary of Energy at the time of the appointment.

(8) MEETINGS.—The Advisory Board shall meet at least once annually at the call of the Chairperson.

(d) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 9325. DEFINITIONS.

In this part:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the International Energy Advisory Board established by section 9324(a).

(2) BIRD.—The term ''BIRD'' means the Israel-United States Binational Industrial Research and Development Foundation.

(3) BSF.—The term ''BSF'' means the United States-Israel Binational Science Foundation.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a joint venture comprised of both Israeli and United States private business entities or a joint venture comprised of both Israeli academic persons (who reside and work in Israel) and United States academic persons, that—

(A) carries out an eligible project; and

(B) is selected by the Secretary, in consultation with the BIRD or BSF, using the criteria established by the Secretary, in consultation with the Advisory Board.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means a project to encourage cooperation between the United States and Israel on research, development, or commercialization of alternative energy, improved energy efficiency, or renewable energy sources.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

SEC. 9326. TERMINATION.

The grant program authorized under section 9323 and the Advisory Board shall terminate upon the expiration of the 7-year period which begins on the date of the enactment of this Act.

SEC. 9327. AUTHORIZATION OF APPROPRIATIONS.

The Secretary is authorized to expend not more than $20,000,000 to carry out this part for each of fiscal years 2008 through 2014 from funds previously authorized to the Office of Energy Efficiency and Renewable Energy.

SEC. 9328. CONSTITUTIONAL AUTHORITY.

The Constitutional authority on which this part rests is the power of Congress to regulate commerce with foreign nations as enumerated in Article I, Section 8 of the United States Constitution.

Subtitle E—Advanced Plug-In Hybrid Vehicles and Components

SEC. 9401. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the manufacture of advanced vehicle batteries and battery systems that are developed and produced in the United States, including advanced lithium ion batteries and hybrid electrical system and component manufacturers and software designers.

(b) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (a) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (a);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility.

(d) MATURITY.—A loan guaranteed under subsection (a) shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (a) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(f) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (a) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(g) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (a) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(h) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(i) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

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

(k) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (a) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9402. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended—

(1) in subsection (a)—

(A) by inserting ''and components thereof'' after ''sales of efficient hybrid and advanced diesel vehicles'';

(B) by inserting ''and hybrid component manufacturers'' after ''grants to automobile manufacturers'';

(C) by inserting '', plug-in electric hybrid,'' after ''production of efficient hybrid'';

(D) by inserting ''and suppliers'' after ''automobile manufacturers''; and

(E) by adding at the end the following: ''Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.''; and

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

''(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the such manufacturing facilities, including by establishing matching grant arrangements.

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

SEC. 9403. PLUG-IN HYBRID VEHICLE PROGRAM.

(a) PLUG-IN ELECTRIC DRIVE VEHICLE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall establish a competitive program to provide grants on a cost-shared basis to State governments, local governments, metropolitan transportation authorities, air pollution control districts, private or nonprofit entities or combinations thereof, to carry out a project or projects to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to the Department, other grantees, and the public, including vehicle and component performance and vehicle and component life cycle costs.

(3) SELECTION CRITERIA.—

(A) PRIORITY.—When making awards under this subsection, the Secretary shall give priority consideration to applications that encourage early widespread utilization of such vehicles and are likely to make a significant contribution to the advancement of the production of such vehicles in the United States.

(B) SCOPE OF PROGRAMS.—When making awards under this subsection, the Secretary shall ensure that the programs will maximize diversity in applications, manufacturers, end-uses and vehicle control systems.

(4) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection, such sums as may be necessary.

(5) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(A) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(B) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in subparagraph (A); and

(C) for any order received by the battery manufacturer for at least 1,000 batteries, offer batteries at that price.

(b) ELECTRIC DRIVE EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation education program under which the Secretary shall provide—

(A) teaching materials to secondary schools and high schools; and

(B) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(2) ELECTRIC VEHICLE COMPETITION.—The program established under paragraph (1) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Hybrid Electric Vehicle Competition''.

(3) ENGINEERS.—In carrying out the program established under paragraph (1), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(A) plug-in electric drive vehicles; and

(B) other forms of electric drive vehicles.

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

SEC. 9404. PLUG-IN HYBRID DEMONSTRATION VEHICLES.

(a) IN GENERAL.—The Secretary of Energy shall establish a program to make grants to owners of domestic motor vehicle manufacturing or production facilities for the production of plug-in hybrid electric motors or conversion modules to be used as electricity storage capacity for utilities.

(b) PROGRAMS.—The Secretary of Energy shall establish programs to determine how to best integrate plug-in hybrid vehicles into the electric power grid and into the overall electricity infrastructure. These programs shall be conducted in 5 separate regions across the United States at the discretion of the Secretary.

(c) PILOT PROGRAMS.—The Secretary shall establish during the first 6 months of 2008, with other governmental entities, no less than 5 separate pilot programs to convert at least 1000 vehicles in each program to plug-hybrid electric vehicles.

(d) FEDERAL CONTRIBUTION.—The Department of Energy shall contribute up to 50 percent of the cost of conversion modules.

(e) INSTALLATION.—Installations of electricity storage devices shall be undertaken by trained and certified mechanics.

(f) MONITORING.—The Secretary of Energy shall require the monitoring of reliability, efficiency, breakeven costs, and customer satisfaction for a period of 3 years.

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

SEC. 9405. INCENTIVE FOR FEDERAL AND STATE FLEETS FOR MEDIUM AND HEAVY DUTY HYBRIDS.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking ''or a dual fueled vehicle'' and inserting '', a dual fueled vehicle, or a medium or heavy duty vehicle that is a hybrid vehicle'';

(2) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (14), (15), and (16), respectively;

(3) by inserting after paragraph (10) the following new paragraph:

''(11) the term 'hybrid vehicle' means a vehicle powered both by a diesel or gasoline engine and an electric motor or hydraulic energy storage device that is recharged as the vehicle operates;''; and

(4) by inserting after paragraph (12) (as so redesignated by paragraph (2) of this section) the following new paragraph:

''(13) the term 'medium or heavy duty vehicle' means a vehicle that—

''(A) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; and

''(B) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds;''.

SEC. 9406. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by striking ''The Secretary'' in subsection (a) and inserting ''(1) The Secretary''; and

(2) by adding at the end of subsection (a) the following:

''(2) Not later than January 31, 2009, the Secretary shall allocate credit in an amount to be determined by the Secretary for acquisition of—

''(A) a hybrid electric vehicle;

''(B) a plug-in hybrid electric vehicle;

''(C) a fuel cell electric vehicle;

''(D) a neighborhood electric vehicle; or

''(E) a medium-duty or heavy-duty electric, hybrid electric, hybrid hydraulic, or plug-in hybrid electric vehicle.''; and

(3) by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 2005 (42 U.S.C. 16152).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM-DUTY OR HEAVY-DUTY ELECTRIC, HYBRID ELECTRIC, OR PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'medium-duty or heavy-duty electric, hybrid electric, or plug-in hybrid electric vehicle' is an electric, hybrid electric, or plug-in hybrid electric motor vehicle greater than 8,501 pounds gross vehicle rating.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle, with a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface, that is propelled by an electric motor and on board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2013.''.

SEC. 9407. NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.

(a) REVOLVING LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects.

(2) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this subsection.

(b) MARKET ASSESSMENT AND ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(A) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(B) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(2) ELECTRICITY USAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers; and

(ii) to study and demonstrate the potential value to the electric grid of using the energy stored in the on-board storage systems to improve the efficiency of the grid generation system; and

(B) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(3) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (2), the Secretary shall provide grants to assist eligible public and private electric utilities to conduct programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(c) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—In this section, the term ''qualified electric transportation project'' includes a project relating to—

(1) ship-side or shore-side electrification for vessels;

(2) truck-stop electrification;

(3) electric truck refrigeration units;

(4) battery-powered auxiliary power units for trucks;

(5) electric airport ground support equipment;

(6) electric material/cargo handling equipment;

(7) electric or dual-mode electric freight rail;

(8) any distribution upgrades needed to supply electricity to the qualified electric transportation projects; and

(9) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformer, and trenching.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry this section such sums as may be necessary.

SEC. 9408. STUDYING THE BENEFITS OF PLUG-IN HYBRID ELECTRIC DRIVE VEHICLES AND ELECTRIC DRIVE TRANSPORTATION.

(a) STUDY.—

(1) CITY CARS.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation in consultation with the Secretary of Energy and appropriate Federal agencies and interested stakeholders in the public, private and non-profit sectors, shall study and report to Congress on the benefits of and barriers to the widespread use of a potentially new class of vehicles known as city cars with performance capability that exceeds that of low speed vehicles but is less than that of passenger vehicles, and which may be battery electric, fuel cell electric, or plug-in hybrid electric vehicles. Such study shall examine the benefits and issues associated with limiting city cars to a maximum speed of 35 mph, 45 mph, 55 mph, or any other maximum speed, and make a recommendation regarding maximum speed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Such sums as may be necessary are authorized to be appropriated to carry out this subsection.

(b) DEFINITIONS.—In this section—

(1) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given that term in section 216 of the Clean Air Act (42 U.S.C. 7550)), or vehicles of the same classification

that are fully or partially powered by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity.

(2) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term '' plug-in electric drive vehicle'' means a means a light-duty, medium-duty, or heavy-duty on-road or nonroad battery electric, hybrid or fuel cell vehicle that can be recharged from an external electricity source for motive power.

(3) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

(B) an internal combustion engine or heat engine using any combustible fuel.

Subtitle F—Availability of Critical Energy Information

SEC. 9501. FINDINGS.

The Congress finds that—

(1) the Energy Information Administration's data is critical not merely for analysis of the role of energy in our economy and environment, but for the effective functioning of domestic and international energy markets.

(2) Federal and State policymakers rely on the Energy Information Administration to collect and report State level energy information needed for energy policymaking, compliance with Federal and State mandates, and for purposes of emergency energy preparedness and response;

(3) as policymakers consider and implement policies to cut greenhouse gas emissions, accurate, timely, and comparable State energy information becomes even more important;

(4) new and expanded sources of information about energy demand and supply have become available and need to be incorporated in the Energy Information Administration's data and analysis functions;

(5) the Energy Information Administration needs to maintain and enhance its ability to collect, process, and analyze data while confronting broader demands for information in greater detail; and

(6) budget and personnel constraints have forced the Energy Information Administration to curtail surveys relied upon by energy and financial markets and could further defer important improvements in the scope and quality of resulting information.

SEC. 9502. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—The Administrator of the Energy Information Administration shall establish a 5-year plan to enhance the quality and scope of the data collection necessary to ensure the scope, accuracy, and timeliness of the information needed for efficient functioning of energy markets and related financial operations. Particular attention shall be paid to restoring data series terminated because of budget constraints, data on demand response, timely data series of State-level information, improvements in the area of oil and gas data, and the ability to provide data mandated by Congress promptly and completely.

(b) SUBMITTAL TO CONGRESS.—The Administrator shall submit this plan to Congress detailing improvements needed to enhance the Energy Information Administration's ability to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—The Administrator shall—

(1) establish guidelines to ensure the quality, comparability, and scope of State energy data, including data on energy production and consumption by product and sector and renewable and alternative sources, required to provide a comprehensive, accurate energy profile at the State level;

(2) share company-level data collected at the State level with the State involved, provided the State has agreed to reasonable guidelines for its use adopted by the Administrator;

(3) assess any existing gaps in data obtained by and compiled by the Energy Information Administration; and

(4) evaluate the most cost effective ways to address any data quality and quantity issues in conjunction with State officials.

The Energy Information Administration shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in establishing these guidelines and scope of State level data, as well as in exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—The Administrator shall provide an assessment of these State-level data needs to the Congress not later than 1 year after the date of enactment of this Act, detailing a plan to address the needs identified.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for carrying out this section, in addition to any other authorizations—

(1) $10,000,000 for fiscal year 2008;

(2) $10,000,000 for fiscal year 2009;

(3) $10,000,000 for fiscal year 2010;

(4) $15,000,000 for fiscal year 2011;

(5) $20,000,000 for fiscal year 2012; and

(6) such sums as are necessary for subsequent fiscal years.

The Acting CHAIRMAN. No further amendment is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–300.

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BLUMENAUER:

In title IX, after subtitle F, insert:

Subtitle G—Natural Gas Utilities

SEC. 9511. NATURAL GAS UTILITIES.

(a) IN GENERAL.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph.

''(6) RATE POLICY MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) ensuring that utilities' recovery of authorized revenues is independent of the amount of customers' natural gas consumption;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 303(b)(2) of such Act is amended by striking ''and (4)'' inserting ''(4), (5), and (6)'' in lieu thereof.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, the amendment before us today is a relatively simple and very direct effort. It is an attempt to provide incentives for the gas industry to be able to conserve natural gas. Unfortunately, the way that it is regulated in 40 States around the country, actually there is a perverse incentive that they make more money the more gas they sell and they are penalized if they conserve.

There are 10 States that have different initiatives to try to decouple the volume from profit. There are efforts here, which I am pleased to say were pioneered in my State of Oregon with our local utility Northwest Natural, to have a conservation-based tariff or mechanism for utility regulation.

□ 1315

This legislation, which is supported by the American Gas Association and by the environmental community, is to encourage development of utility regulation that doesn't penalize conservation but encourages it. It is not a mandate and it does not carry any costs but has the potential of saving American consumers billions of dollars and a great deal of energy, and I strongly urge its acceptance.

Mr. BOUCHER. Would the gentleman yield to me?

Mr. BLUMENAUER. I would be honored to yield to my friend from Virginia.

Mr. BOUCHER. I thank the gentleman from Oregon for yielding, and I want to commend him on this amendment.

The laws in a number of States today tie gas utility returns to the total gas sales volume, with the result that the greater the volume sold, the greater the financial return to the gas utility. That structure clearly serves as a disincentive to the making of efficiency investments by the utilities that would lessen sales volume at the expense of profits by the utility.

The gentleman's amendment directs States to consider decoupling sales volumes from economic return in a way that would encourage the making of efficiency improvements. I think it's a step forward in Federal policy, and I am pleased to encourage the adoption of the gentleman's amendment.

Mr. BLUMENAUER. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise not to oppose the amendment but to make some comments.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PETERSON of Pennsylvania. I find this amendment interesting as someone interested in natural gas and the use of it. I find it a little puzzling because clean green natural gas is America's cleanest fossil fuel. Yet we've made it very expensive because we've allowed it to be used unlimited on production of electricity. I think the last 98 percent of plants built to make electricity are using natural gas. But what we're saying with this amendment and what has been lobbied for in the industry is that we will say to gas distribution companies that sell to our homes and to our businesses, we'll urge you to conserve but we'll charge you enough more that the gas utility continues its current profit structure.

I find that a little troubling, personally. I think it might be wiser to open up the supply of natural gas, get the price down so we're not the highest in the world, so people can heat their homes and run their businesses without having natural gas prices be prohibitive and, thus, the companies would be actually selling more gas and we wouldn't have to go down the road of subsidizing their profits because they're selling less volume.

As a businessman all my life, I understand the dilemma they're in. As people conserve and when energy prices spike in the winter, people keep their homes at 56. Businesses turn their thermostats down. I went to stores last year in Pennsylvania where they were actually cold. And I knew people who lived in 56-degree houses. I'm not sure we ought to go down that road. I think we ought to produce abundant natural gas and allow the price to work, cheap natural gas. The volume would be there, but we're glad to accept the amendment.

I yield back the balance of my time.

Mr. BLUMENAUER. I will just conclude. I appreciate my friend from Pennsylvania's observation. The point that I would make is that the companies that are distributing gas have tremendous fixed costs that they have to support regardless of the volume. This simply encourages them to be able to explore other alternatives for rate regulation. The cheapest gas supply is the Therm that's not used. I just don't want the regulatory system to penalize them for conservation. I appreciate his comments, I appreciate his acceptance, and I look forward to more conversation about ways that we can help move this along.

Mr. PETERSON of Pennsylvania. Would the gentleman yield just for a moment?

Mr. BLUMENAUER. I would be happy to yield to my friend.

Mr. PETERSON of Pennsylvania. As a retailer all my life, that's what a gas company is. They're a retailer. I sold food. They sell gas. And as their business decreases, their profits go down, but their pipeline system, their pumping stations and all of their costs remain the same. My hesitation is with the cleanest energy we have, why do we want to restrict the use of it, because there's no NO_X, no SO_X and a third of the CO_2. It seems like we ought to be more focused on making it affordable so that volumes remain constant and we don't have this problem.

Again, I thank the gentleman for yielding.

Mr. BLUMENAUER. I'm happy to yield to my friend and I'm happy to clarify that the intent of this amendment is not to increase or decrease; it's to avoid the disincentive to conserve. It's simple, and that's why I appreciate your accepting it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SHAYS

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–300.

Mr. SHAYS. Mr. Chairman, I am here to offer that amendment that is printed in the House report.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SHAYS:

In section 9034(a), strike ''$600,000,000 for fiscal year 2007, and $750,000,000'' and insert ''$1,200,000,000 for fiscal year 2007, and $1,400,000,000''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Thank you very much, Mr. Chairman.

I am grateful that the House Rules Committee has made this amendment in order. This amendment would reauthorize the Weatherization Assistance Program to $1.2 billion for 2007 and $1.4 billion in 2008 through 2012. What that does is basically double the authorization level for weatherization.

The Department of Energy's Weatherization Assistance Program enables low-income families to permanently reduce their energy bills by making their homes more energy efficient. It is this country's longest running energy efficiency program. During the last 30 years, it has provided weatherization services to more than 5.5 million low-income families. An audit is done and then corrective action is taken on a home.

I would just conclude by saying that in my own home I have a third floor. It is my office. It was insulated and it had heating but I froze. I tripled the size of this third floor, had no heating whatsoever, and the space was warmer than when I had heating; in fact, it was a comfortable temperature, just because of the insulation that we were able to put in the roof above this floor.

We want low-income families to be able to take advantage of this important weatherization effort.

This amendment would reauthorize the Weatherization Assistance Program to $1.2 billion for 2007 and $1.4 billion in 2008 through 2012.

The program is currently authorized at $600 million for FY07 and $700 million for FY08.

The bill calls for $600 million for FY07 and $750 million for FY08 through 2012.

My amendment would double these authorization levels ($1.2 billion in 2007 and $1.4 billion from 2008 to 2012).

The Department of Energy's Weatherization Assistance Program enables low-income families to permanently reduce their energy bills by making their homes more energy efficient.

It is this country's longest running energy efficiency program. During the last 30 years, it has provided weatherization services to more than 5.5 million low-income families.

Through this program, weatherization service providers install energy efficiency measures in the homes of qualifying homeowners free of charge.

These are not expensive upgrades but they are effective, and energy savings pay for the upgrades within a few years.

The average expenditure limit is $2,826 per home.

Funding for low-income weatherization comes from several sources and represents a partnership of both public and private organizations. The largest contribution has come from the DOE.

The second largest source is LIHEAP, followed by gas and electric companies, and legal penalties assessed against oil companies.

DOE works directly with the states, the District of Columbia, and Native American Tribal

Governments to implement weatherization measures. These agencies contract with local governmental or nonprofit agencies to deliver weatherization services to low-income clients in their areas. Funding is allocated for both weatherizing individual homes and for the training and development of local technicians.

Weatherization includes a comprehensive series of energy efficiency measures by analyzing each individual home. Adding weatherstripping to doors and windows saves energy.

Families notice, on average, a decrease of $200 to $250 per year in energy bill savings.

There are also other non-energy benefits.

Many low-income households live in older homes that have structural hazards that are detected while weatherizing. By reducing long-term energy costs, weatherization also makes these housing units more affordable.

In addition, the DOE estimates that the Weatherization Assistance Program employs 8,000 people nationwide.

One of the challenges of making one's home energy efficient is that many of these technologies and home improvements are unaffordable. Yet the subcommittee on energy and water appropiations noted that the Committee was "concerned that the Department has severely under-funded this program, which almost immediately results in significant energy savings in American homes."

We know that investing in weatherization measures will reduce everyone's energy bills over time by reducing the amount of energy that we all use. The Weatherization Assistance Program is one of our most successful programs, and I urge support of this amendment.

Mr. BOUCHER. Would the gentleman yield to me?

Mr. SHAYS. I would be happy to yield.

Mr. BOUCHER. I thank the gentleman from Connecticut for yielding, and I want to commend him on this amendment.

His amendment recognizes the value of the Weatherization Assistance Program and proposes to increase the authorization levels to a higher point toward the levels that usefully can be spent in weatherizing homes. To the extent that the measure sends to the Appropriations Committee a signal that there should be an increase in appropriations for this program, I think it's highly valuable. I thank the gentleman for bringing this amendment forward and urge its adoption, and I thank him for yielding this time.

Mr. SHAYS. I thank the gentleman for his support.

I yield to my colleague.

Mr. PETERSON of Pennsylvania. I want to commend the gentleman for this amendment.

I'm from Pennsylvania. It's cold there. We have a lot of poor people, a lot of low-income people in my district, and weatherization is a huge program. I would just like to let the body know that in my Outer Continental Shelf natural gas bill, we set aside, I think, $12 billion to fund this program. If we open up the OCS for clean green natural gas, we will have an ongoing supply of $12 billion for helping with weatherization.

Mr. SHAYS. I thank the gentleman very much for his contribution.

I'm happy to yield back and urge support of this legislation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. HOOLEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–300.

Ms. HOOLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. HOOLEY:

In part 6 of subtitle A of title IX, add at the end the following new section:

SEC. 9077. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K-12 schools.

(b) CONTENTS.—The study shall—

(1) investigate synergistic effects of multiple perceived stressors, including thermal discomfort, visual discomfort, acoustical dissatisfaction such as noise and loss of speech privacy, and air quality dissatisfaction;

(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and

(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentlewoman from Oregon (Ms. HOOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. HOOLEY. I recognize myself for as much time as I may consume.

Mr. Chairman, the Hooley-McCaul-Matheson amendment is a very simple and straightforward amendment that would authorize a study of the tremendous impact green schools have on the environment, school operational costs, test scores and student health. Usually we simply equate green building with energy efficiency, but the benefits are much broader than just that. The global impact of these efforts on the environment alone is enough of a reason to take action. Just as the energy bill before us today begins to address this challenge, our amendment focuses on the positive impacts our actions can have on improving our environment and bettering people's lives.

The study I am proposing today with my good friends, Mr. MCCAUL and Mr. MATHESON, is necessary because, while both the Federal Government and the private sector have conducted some green building research, knowledge gaps exist in the important area of green school research.

Upon the conclusion of the study I am proposing, we will finally be able to quantify the important benefits green schools provide by way of economic savings, environmental stewardship, and the health and academic performance of students.

At this time, I yield 30 seconds to my good friend, Chair of the Energy Committee, Mr. BOUCHER.

Mr. BOUCHER. I thank the gentlelady from Oregon for yielding this time, and I also want to take this opportunity to thank her for the substantial contributions that she made to the legislation that is before the Committee today as it was considered by the House Energy and Commerce Committee.

And I want to commend her on this amendment which authorizes the administrator of the Environmental Protection Agency to enter into an arrangement with the Secretaries of Education and Energy to conduct a study of how sustainable building features such as energy efficiency can promote indoor environmental quality in the Nation's K–12 schools. It is a significant contribution to our energy policy, will enhance elementary and secondary education, and I am pleased to urge its adoption.

Ms. HOOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. MCCAUL), my fellow cosponsor of this important amendment.

Mr. MCCAUL of Texas. I want to thank Congresswoman HOOLEY for introducing this amendment. I am proud to be a cosponsor to it.

This study will be able to quantify the important benefits green schools provide by way of economic savings, environmental impact, and the health and academic performance of students. The building industry represents the largest economic sector in the United States, and school construction is the largest component of that sector. If all new school construction and school renovations went green starting today, energy savings alone would total about $20 billion over the next 10 years. It costs less than $3 extra per square foot to build a green school, but the payback occurs within 1 year based upon energy savings alone. With childhood asthma becoming more widespread in recent decades, this research is timely and necessary. According to the CDC, childhood asthma accounts for about 14 million missed school days per year.

This amendment authorizes $1 million over 5 years to undertake this important area of research. It is endorsed by the U.S. Green Buildings Council, the American Federation of Teachers and the American Institute of Architects.

I want to thank the Congresswoman again for introducing this amendment.

Ms. HOOLEY. Mr. Chairman, I would like to remind my colleagues that if all new school construction and school renovation went green starting today, energy savings alone would total $20 billion over the next 10 years.

Since I see no opposition, I yield back the remainder of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to say that we will be glad to accept the amendment, but I would like to make a comment.

The Acting CHAIRMAN. Does the gentleman rise to claim the time in opposition?

Mr. PETERSON of Pennsylvania. Yes.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

□ 1330

Mr. PETERSON of Pennsylvania. While I do that, I think it's a very important issue as we make our schools energy efficient.

Energy efficient buildings have very little air exchange. And if you have any kind of a pollution factor in your house or in a school or in a building that is just airtight, it's going to concentrate very fast. And it's very important that we have this kind of a study.

But I want to say that we won't have that problem with this building that we're in right now. We won't have that problem with any of our office buildings because they all have single pane, the least energy efficient windows known in America, and we have lots of air exchange. In fact, it's probably what we ought to be doing to make our own buildings energy efficient, instead of going to expensive natural gas to heat them, which will go right out those energy open windows.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–300.

Mr. PITTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PITTS:

In section 9003(4), in the proposed paragraph (3), add at the end the following new subparagraph:

''(C) EXCEPTION.—Boilers that are manufactured to operate without any need for electricity, any electric connection, any electric gauges, electric pumps, electric wires, or electric devices of any sort, shall not be required to meet the requirements of this section.''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PITTS. Mr. Chairman, I yield myself as much time as I might consume.

First of all, I am grateful to the Rules Committee for making this amendment in order. It is a very narrowly crafted amendment. Section 9003 of H.R. 3221 requires residential boilers to meet a series of energy efficient requirements.

As you know, the Amish, which I have the privilege to represent, do not use electricity; it's against their religious beliefs. If the bill, as presently written, were to become law, the Amish would be forced to try to maintain their present boilers in perpetuity, creating an obvious and an avoidable safety hazard.

Now, I know there are not a lot of Amish; they are comparatively few in number in this country. We only have something like 25 States that have Amish living in them, but I think we have a duty to be sensitive to their way of life, consider their needs when making law. I have a very simple amendment. It will provide an exception for boilers that operate without the need for electricity supply.

Simply stated, boilers that are manufactured without any need for electricity, without any electrical connection, any electrical gauges, electric pumps, electric wires, electric devices of any sort would not be required to meet the requirements of this section.

I urge passage of my amendment to protect the Amish and their way of life.

Mr. BOUCHER. Will the gentleman yield?

Mr. PITTS. I will yield to the gentleman.

Mr. BOUCHER. I thank the gentleman from Pennsylvania for yielding, and I commend him on bringing this amendment to the House today.

We all acknowledge the unique nature of our Amish citizens' way of life. They use a very small number of boilers, which accord with their principles of using no electricity. And it truly is a very small number of boilers that are involved in this matter. And given that small number and the respect that we all have for the way of life of the Amish community, I would encourage that this amendment be adopted. And I commend the gentleman for bringing it forward.

Mr. PITTS. I thank the gentleman for his support.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. BLUMENAUER) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the ''Claude Ramsey Post Office''.

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the ''S/Sgt Lewis G. Watkins Post Office Building''.

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the ''Buck Owens Post Office Building''.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the ''Staff Sergeant Marvin 'Rex' Young Post Office Building''.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''.

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the ''Harriett F. Woods Post Office Building''.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office Building''.

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the ''Willye B. White Post Office Building''.

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the ''George B. Lewis Post Office Building''.

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the ''Staff Sergeant Omer 'O.T.' Hawkins Post Office Building''.

H.R. 2127. An act to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the ''Clem Rogers McSpadden Post Office Building''.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the ''Frank G. Lumpkin, Jr. Post Office Building''.

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the ''Major Scott Nisely Post Office''.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''.

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the ''Dolph Briscoe, Jr. Post Office Building''.

H.R. 3006. An act to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

The message also announced that the Senate has passed with an amendment

in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 496. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 1772. An act to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the ''Private First Class Shane R. Austin Post Office''.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''.

S. Con. Res. 43. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The SPEAKER pro tempore. The Committee will resume its sitting.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

The Committee resumed its sitting.

AMENDMENT NO. 5 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–300.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TERRY:

In title IX, at the end of Part 4 of subtitle A, add the following new section and make the necessary conforming amendments in the table of contents:

SEC. 9053. GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) GENERAL SERVICES ADMINISTRATION FACILITY.—

(A) IN GENERAL.—The term ''General Services Administration facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility), that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''General Services Administration facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''General Services Administration facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of geothermal heat pumps at General Services Administration facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of geothermal heat pump recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF GEOTHERMAL HEAT PUMP TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of geothermal heat pump technologies in General Services Administration facilities; and

(ii) the availability to managers of General Services Administration facilities of geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of geothermal heat pumps by Federal agencies in General Services Administration facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify geothermal heat pump technology standards that could be used for all types of General Services Administration facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies in each General Services Administration facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing heating and cooling technologies with geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each General Services Administration facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GENERAL SERVICES ADMINISTRATION FACILITY GEOTHERMAL HEAT PUMP TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of geothermal heat pump technologies is designated for each General Services Administration facility geothermal heat pump technologies and practices facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) includes an estimate of the funds necessary to carry out this section;

(B) describes the status of the implementation of geothermal heat pump technologies and practices at General Services Administration facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(C) identifies within the planning, budgeting, and construction processes, all types of General Services Administration facility-related procedures that inhibit new and existing General Services Administration facilities from implementing geothermal heat pump technologies;

(D) recommends language for uniform standards for use by Federal agencies in implementing geothermal heat pump technologies and practices;

(E) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of geothermal heat pump technologies and practices;

(F) achieves substantial operational cost savings through the application of geothermal heat pump technologies; and

(G) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (F).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, this is a noncontroversial amendment that encourages government buildings to use geothermal technology.

Geothermal technology is simple; when you dig down and use the energy within and beneath the Earth, you save energy. For example, in Nebraska, and all over, you can dig down 100 feet where the temperature is a consistent 60 degrees. So therefore, for example, at this time of year when it's in the 90s and high humidity, instead of cooling the air from 100 degrees to 72, you're

bringing it up from 60 degrees to 72. You save anywhere from 60 percent and as high as up to 80 percent, depending on the time of year, on energy costs to heat and cool and also to create hot water. This is the major use of energy within buildings, whether commercial or residential, and I think government should be the leader in this.

Simple amendment. I appreciate the help and encouragement I have received on this amendment.

Mr. Chairman, at this time I yield to the gentleman from Virginia.

Mr. BOUCHER. Will the gentleman hold for just one moment, please?

Mr. TERRY. I can keep talking.

Reclaiming my time from the gentleman from Virginia, while the technology to implement geothermal, for example, a smaller building may increase the building cost by a mere $3,000 or $4,000, studies have shown that for commercial or residential buildings that they will recoup those costs within a matter of 3 years because of the energy savings by using the Earth's own energy to heat and cool.

Mr. Chairman, at this time I would like to yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding, and I regret the delay.

Let me commend the gentleman for two things. First of all, for his very helpful work as a member of the Committee on Energy and Commerce, and secondly, for bringing this amendment before the body today.

Geothermal heat pump technology is a promising means of meeting heating and cooling needs with high energy efficiency. It uses the Earth itself, as the gentleman has described, as a kind of a heat battery, but also as a natural coolant during the summertimes. And that is a natural battery and also a natural coolant upon which we can draw with great efficiency.

The amendment would direct the Federal Government to take the lead in adopting geothermal heat pump technologies. It would have the government lead by example, and I think it is an excellent addition to the measure. We are pleased to accept the gentleman's amendment.

Mr. TERRY. Mr. Chairman, I do appreciate the gentleman's acceptance of this, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, as the committee of jurisdiction on the minority side, we do not oppose the amendment, we support it, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–300.

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. UDALL of New Mexico.

In title IX, after subtitle F, insert the following new subtitle and make the necessary conforming changes in the table of contents:

Subtitle G—Federal Renewable Portfolio Standard

SEC. 9600. FEDERAL RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BIOMASS.—

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

''(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy; or

''(ii) nonhazardous, plant or algal matter that is derived from any of the following:

''(I) An agricultural crop, crop byproduct or residue resource.

''(II) Waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic or metals).

''(III) Gasified animal waste.

''(IV) Landfill methane.

''(B) NATIONAL FOREST LANDS AND CERTAIN OTHER PUBLIC LANDS.—With respect to organic material removed from National Forest System lands or from public lands administered by the Secretary of the Interior, the term 'biomass' covers only organic material from (i) ecological forest restoration; (ii) pre-commercial thinnings; (iii) brush; (iv) mill residues; and (v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LANDS.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass are not included in the term biomass if they are located on the following Federal lands:

''(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from such land is appropriate for the applicable forest type and maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition.

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(iii) Wilderness Study Areas.

''(iv) Inventoried roadless areas.

''(v) Components of the National Landscape Conservation System.

''(vi) National Monuments.

''(2) ELIGIBLE FACILITY.—The term 'eligible facility' means—

''(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2001; or

''(B) a repowering or cofiring increment.

''(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

''(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

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

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

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; or

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar (including solar water heating), wind, ocean, tidal, geothermal energy, biomass, landfill gas, or incremental hydropower.

''(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

''(A) the additional generation from a modification that is placed in service on or after January 1, 2001, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

''(B) the additional generation above the average generation in the 3 years preceding the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.

''(10) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means a person that sells electric energy to electric consumers (other than consumers in Hawaii) that sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year; except that such term does not include the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative.

''(11) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available, excluding—

''(A) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

''(B) electricity generated through the incineration of municipal solid waste.

''(b) COMPLIANCE.—For each calendar year beginning in calendar year 2010, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, one or more of the following:

''(1) Federal renewable energy credits issued under subsection (e).

''(2) Federal energy efficiency credits issued under subsection (i), except that Federal energy efficiency credits may not be used to meet more than 27 percent of the requirements of subsection (c) in any calendar year.

''(3) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(3)(G).

''(4) Alternative compliance payments pursuant to subsection (j).

''(c) REQUIRED ANNUAL PERCENTAGE.—For calendar years 2010 through 2039, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources, or otherwise credited towards such percentage requirement pursuant to subsection (d), shall be the percentage specified in the following table:

"Calendar Years	Required annual percentage
2010	2.75
2011	2.75
2012	3.75
2013	4.5
2014	5.5
2015	6.5
2016	7.5
2017	8.25
2018	10.25
2019	12.25
2020 and thereafter through 2039	15

''(d) RENEWABLE ENERGY AND ENERGY EFFICIENCY CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

''(A) issued to the retail electric supplier under subsection (e);

''(B) obtained by purchase or exchange under subsection (f) or (g); or

''(C) borrowed under subsection (h).

''(2) A retail electric supplier may satisfy the requirements of subsection (b)(2) through the submission of Federal energy efficiency credits issued to the retail electric supplier obtained by purchase or exchange pursuant to subsection (i).''

''(3) A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once. A Federal energy efficiency credit may be counted toward compliance with subsection (b)(2) only once.

''(e) ISSUANCE OF CREDITS.—(1) The Secretary shall establish by rule, not later than 1 year after the date of enactment of this section, a program to verify and issue Federal renewable energy credits to generators of renewable energy, track their sale, exchange and retirement and to enforce the requirements of this section. To the extent possible, in establishing such program, the Secretary shall rely upon existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

''(2) An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The applicant must demonstrate that the electric energy will be transmitted onto the grid or, in the case of a generation offset, that the electric energy offset would have otherwise been consumed on site. The application shall indicate—

''(A) the type of renewable energy resource used to produce the electricity;

''(B) the location where the electric energy was produced; and

''(C) any other information the Secretary determines appropriate.

''(3)(A) Except as provided in subparagraphs (B), (C), and (D), the Secretary shall issue to a generator of electric energy one Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

''(B) For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based, on the increase in average annual generation resulting from the efficiency improvements or capacity additions. The incremental generation shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

''(C) The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on such land.

''(D) For electric energy generated by a renewable energy resource at an on-site eligible facility and used to offset part or all of the customer's requirements for electric energy, the Secretary shall issue 3 renewable energy credits to such customer for each kilowatt hour generated.

''(E) If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

''(F) When a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility, and the contract has not determined ownership of the Federal renewable energy credits associated with such generation, the Secretary shall issue such Federal renewable energy credits to the retail electric supplier for the duration of the contract.

''(G) Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued for the purpose of subsection (b)(2) based on the amount of electric energy generation from renewable resources and electricity savings that results from those payments.

''(f) EXISTING FACILITIES.—The Secretary shall ensure that a retail electric supplier that acquires Federal renewable energy credits associated with the generation of renewable energy from an existing facility may use such credits for purpose of its compliance with subsection (b)(1). Such credits may not be sold or traded for the purpose of compliance by another retail electric supplier.

''(g) RENEWABLE ENERGY CREDIT TRADING.—A Federal renewable energy credit, may be sold, transferred or exchanged by the entity to whom issued or by any other entity who acquires the Federal renewable energy credit, except for those renewable energy credits from existing facilities. A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

''(h) RENEWABLE ENERGY CREDIT BORROWING.—At any time before the end of calendar year 2012, a retail electric supplier that has reason to believe it will not be able to fully comply with subsection (b) may—

''(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2012 and the subsequent calendar years involved; and

''(2) upon the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

The retail electric supplier must repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to those otherwise required under subsection (b), by calendar year 2020 or any earlier deadlines specified in the approved plan. Failure to repay the borrowed Federal renewable energy credits shall subject the retail electric supplier to civil penalties under subsection (i) for violation of the requirements of subsection (b) for each calendar year involved.

''(i) ENERGY EFFICIENCY CREDITS.—

''(1) DEFINTIONS.—In this subsection—

''(A) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to——

''(i) consumption at the facility during a base year;

''(ii)i n the case of new equipment (regardless of whether the new equipment replaces existing equipment at the end of the useful life of the existing equipment), consumption by the new equipment of average efficiency; or

''(iii) in the case of a new facility, consumption at a reference facility.

''(B) ELECTRICITY SAVINGS.—The term 'electricity savings' means——

''(i) customer facility savings of electricity consumption adjusted to reflect any associated increase in fuel consumption at the facility;

''(ii) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses attributable to new or replacement distribution system equipment of average efficiency (as defined by the Secretary by regulation);

''(iii) the output of new combined heat and power systems, to the extent provided under paragraph (5); and

''(iv) recycled energy savings.

''(C) QUALIFYING ELECTRICTY SAVINGS.—The term 'qualifying electricity savings' means electricity saving that meet the measurement and verification requirements of paragraph (4).

''(D) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity consumption that is attributable to electrical or mechanical power, or both, produced by modifying an industrial or commercial system that was in operation before July 1, 2007, in order to recapture energy that would otherwise be wasted.

''(2) PETITION.—The Governor of a State may petition the Secretary to allow up to 25 percent of the requirements of a retail electric supplier under subsection (c) in the State to be met by submitting Federal energy efficiency credits issued pursuant to this subsection.

''(3) ISSUANCE OF CREDITS.—

''(A) The Secretary shall issue energy efficiency credits in States described in paragraph (2) in accordance with this subsection.

''(B) In accordance with regulations promulgated by the Secretary, the Secretary shall issue credits for——

''(i) qualified electricity savings achieved by a retail electric supplier in a calendar year; and

''(ii) qualified electricity savings achieved by other entities (including State agencies) if ——

''(I) the measures used to achieve the qualifying electricity savings were installed or place in operation by the entity seeking the credit or the designated agent of the entity; and

''(II) no retail electric supplier paid a substantial portion of the cost of achieving the qualified electricity savings (unless the utility has waived any entitlement to the credit).

''(4) MEASUREMENT AND VERIFICATION OFELECTRICTY SAVINGS.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding the measurement and verification of electricity savings under this subsection, including regulations covering——

''(A) procedures and standards for defining and measuring electricity savings that will be eligible to receive credits under paragraph (3), which shall——

''(i) specify the types of energy efficiency and energy conservation that will be eligible for the credits;

''(ii) require that energy consumption for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

''(iii) account for the useful life of electricity savings measures;

''(iv) include specified electricity savings values for specific, commonly-used efficiency measures;

''(v) specify the extent to which electricity savings attributable to measures carried out before the date of enactment of this section are eligible to receive credits under this subsection; and

''(vi) exclude electricity savings that (I) are not properly attributable to measures carried out by the entity seeking the credit; or (II) have already been credited under this section to another entity;

''(B) procedures and standards for third-party verification of reported electricity savings; and

''(C) such requirements for information, reports, and access to facilities as may be necessary to carry out this subsection.

''(5) COMBINED HEAT AND POWER.—Under regulations promulgated by the Secretary, the increment of electricity output of a new combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs), shall be considered electricity savings under this subsection.

''(6) STATE DELEGATION.—On application of the Governor of a State, the Secretary may delegate to the State the administration of this subsection in the State if the Secretary determines that the State is willing and able to carry out the functions described in this subsection.''

''(j) ENFORCEMENT.—A retail electric supplier that does not comply with subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of kilowatt-hours represented by the retail electric supplier's failure to comply with subsection (b), multiplied by the lesser of 4.5 cents (adjusted for inflation for such calendar year, based on the Gross Domestic Product Implicit Price Deflator) or 300 percent of the average market value of Federal renewable energy credits and energy efficiency credits for the compliance period. Any such penalty shall be due and payable without demand to the Secretary as provided in the regulations issued under subsection (e).

''(k) ALTERNATIVE COMPLIANCE PAYMENTS.—The Secretary shall accept payment equal to 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period or 3.0 cents per kilowatt hour adjusted on January 1 of each year following calendar year 2006 based on the Gross Domestic Product Implicit Price Deflator, as a means of compliance under subsection (b)(4).

''(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual renewable energy generation of any retail electric supplier, Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1) and Federal energy efficiency credits;

''(2) annual electricity savings achieved pursuant to subsection (i);

''(3) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

''(4) the quantity of electricity sales of all retail electric suppliers.

''(m) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(n) STATE PROGRAMS.—(1) Nothing in this section diminishes any authority of a State or political subdivision of a State to—

''(A) adopt or enforce any law or regulation respecting renewable energy or energy efficiency, including but not limited to programs that exceed the required amount of renewable energy or energy efficiency under this section, or

''(B) regulate the acquisition and disposition of Federal renewable energy credits and Federal energy efficiency credits by electric suppliers.

No law or regulation referred to in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having renewable energy programs and energy efficiency programs, shall preserve the integrity of such State programs, including programs that exceed the required amount of renewable energy and energy efficiency under this section, and shall facilitate coordination between the Federal program and State programs.

''(2) In the rule establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy and energy efficiency programs, including State programs, to ensure administrative ease, market transparency and effective enforcement. The Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

''(o) RECOVERY OF COSTS.—An electric utility whose sales of electric energy are subject to rate regulation, including any utility whose rates are regulated by the Commission and any State regulated electric utility, shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy and energy efficiency obtained to comply with the requirements of subsection (b). For purposes of this subsection, the definitions in section 3 of this Act shall apply to the terms electric utility, State regulated electric utility, State agency, Commission, and State regulatory authority.

''(p) PROGRAM REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a comprehensive evaluation of all aspects of the program established under this section, within 8 years of enactment of this section. The study shall include an evaluation of—

''(1) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy and energy efficiency technologies;

''(2) the opportunities for any additional technologies and sources of renewable energy and energy efficiency emerging since enactment of this section;

''(3) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

''(4) the regional resource development relative to renewable potential and reasons for any under investment in renewable resources; and

''(5) the net cost/benefit of the renewable portfolio standard to the national and State economies, including retail power costs, economic development benefits of investment, avoided costs related to environmental and congestion mitigation investments that would otherwise have been required, impact on natural gas demand and price, effectiveness of green marketing programs at reducing the cost of renewable resources.

The Secretary shall transmit the results of the evaluation and any recommendations for modifications and improvements to the program to Congress not later than January 1, 2016.

''(q) STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY ACCOUNT PROGRAM.—(1) The Secretary shall establish, not later than December 31, 2009, a State renewable energy account program.

''(2) All money collected by the Secretary from the alternative compliance payments under subsection (k) shall be deposited into the State renewable energy and energy efficiency account established pursuant to this subsection.

''(3) Proceeds deposited in the State renewable energy and energy efficiency account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants to the State agency responsible for administering a fund to promote renewable energy generation and energy efficiency for customers of the state, or an alternative agency designated by the state, or if no such agency exists, to the state agency developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production and providing energy assistance and weatherization services to low-income consumers.

''(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. At least 75 percent of the funds provided to each State shall be used for promoting renewable energy production and energy efficiency through grants, production incentives or other state-approved funding mechanisms. The funds shall be allocated to the States on the basis of retail electric sales subject to the Renewable Portfolio Standard under this section or through voluntary participation. State agencies receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.''.

(b) TABLE OF CONTENTS.—The table of contents for such title is amended by adding the following new item at the end:

''Sec. 610. Federal renewable portfolio standard''.

(c) SUNSET.—Section 610 of such title and the item relating to such section 610 in the table of contents for such title are each repealed as of December 31, 2039.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New Mexico (Mr. UDALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to establish a 15 percent national renewable electricity standard by the year 2020. In doing so, utilities are permitted to meet up to 4 percent of this requirement through energy efficiency measures. This amendment will save consumers money, stimulate our economy, and strengthen our national security.

The aim of this amendment may seem far reaching, but the mechanism for doing so is not. A 15 percent national renewable electricity standard by the year 2020 is essential to our national security future.

Equally important to this debate, however, and contrary from what you hear from our opponents, the RES is absolutely achievable. In fact, almost half of the States of the Union already have an RES in place, but the full potential for renewable electricity will be left unrealized without the adoption of a Federal program to enhance the efforts of these States. We must enact a Federal RES, and we must do so now.

Momentum has been building, as evidenced by the fact that many of the RES standards enacted by States already have been exceeded. Subsequently, the standards have been increased. A national RES has passed the Senate three times. It has proven itself effective, efficient and popular. And it's time for the New Direction Congress to bring those benefits to the rest of the Nation.

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

Mr. BARTON of Texas. Mr. Chairman, I would ask unanimous consent that we have an additional 10 minutes on this amendment equally divided by the minority and the majority because we have lots of speakers on both sides.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment and I yield myself 2 minutes.

First let me say that we're not opposed to all renewable portfolio standards, but we are opposed to this one for a number of reasons. First of all, it only applies to investor-owned electric utilities. It doesn't apply to electric co-ops. It doesn't apply to municipal utilities. It just applies to investor-owned electric utilities. That's one of the reasons that the Edison Electric Institute is opposed to this amendment.

It doesn't meet the standards that have been put out for renewable portfolio standards. It should apply to all utilities. This one doesn't. It should complement and not preempt State programs. This one doesn't. It should be technology neutral. This one is not technology neutral. It should provide credit for early action. This doesn't do that. It should allow for a national trading mechanism, including standardized monitoring, verification and distribution of credits. It doesn't do that. And it should include specific provisions assuring cost recovery for retail electric providers. It doesn't do that. It doesn't include nuclear as a renewable energy, and we think that it should. We think all hydros should be included. This one doesn't.

So, it is certainly worthy of debate, and I support it being made in order to be debated on the floor, but I would hope that we would oppose it when it comes time for the vote.

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

Mr. UDALL of New Mexico. Mr. Chairman, I would like to yield 2 minutes to my Republican cosponsor, Todd Platts, who has worked very, very hard on this amendment. And I would emphasize that this is a bipartisan amendment, and we have worked all along on it together.

□ 1345

Mr. PLATTS. Mr. Chairman, I appreciate the gentleman yielding, and I certainly appreciate his leadership on this very important issue. I do appreciate the ranking member's issues he has raised and that perhaps this amendment doesn't go far enough in what it includes in the type of renewable energy that is acknowledged.

I would say that this is a starting point. If we support this amendment, if we get into conference, then we can build on this to look at other options. But we have to start somewhere. I think this is a good starting point.

So I rise in support of this amendment which would establish a National Renewable Energy Portfolio Standard of 15 percent by 2020. A 15 percent RPS is an important step that we can take to meet our growing energy needs in an environmentally friendly manner and decrease our dependence on foreign oil and create more jobs.

A study by Woods McKenzie found that a 15 percent RPS would decrease the price of natural gas by 15 to 20 percent, decrease wholesale electricity prices by 7 to 11 percent, for a savings of $240 billion to consumers and would avoid almost 3 billion tons of carbon dioxide by the year 2030.

In addition, a Federal RPS would create hundreds of thousands of new jobs. In fact, the top five States that have been hit hardest with the loss in their manufacturing economy over the past 6 years, California, Ohio, Texas, North Carolina, and my home State of Pennsylvania, would benefit most from the creation of new agricultural and manufacturing jobs because of the passage of this amendment. My home State of Pennsylvania has established an RPS of 18 percent by 2020.

Since its inception in 2004, the Renewable Energy Standard is associated with the creation of several thousand new jobs. Projections show that a national RPS would create an additional 7,000 jobs in my State alone. Momentum has been steadily growing for a national RPS. Currently, almost half of all States have implemented such an RPS standard.

Mr. Chairman, I believe a national RPS is an important step to make to reduce pollution and lessen addiction to foreign energy sources. I urge a yes vote, and I thank the gentleman for yielding.

Mr. BARTON of Texas. I yield 1 minute to the distinguished gentleman from the great State of Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in opposition to this amendment that is essentially an electricity tax on utilities and their consumers, with the greatest burden falling on States without renewable resources.

Utility companies must be allowed to develop their renewable capacity in relation to consumers' acceptance of the resource and its related additional costs. We have done that in the great State of Oklahoma.

Congress needs to recognize there are significant regional differences in the availability, amounts and types of renewable energy resources in different regions of the country. A one-size-fits-all Federal RPS mandate ignores the uneven distribution of available resources and the economic needs of individual States.

Mr. Chairman, I didn't get elected from these other States. I got elected from Oklahoma. This is bad for Oklahoma. This is bad for working families. I am the only Democrat in Oklahoma, but my district is one of the poorest in the country. This will do damage to working families who are on fixed incomes.

Mr. Chairman, this mandate for renewable electricity is nothing more than a thinly veiled tax.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), who has been a key player on this issue.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate his leadership.

Mr. Chairman, I rise in strong support of this bipartisan amendment. I could not disagree more with my good friend from Oklahoma. This is not a one-size-fits-all. Indeed, this has been recalibrated to be able to make it more flexible, reduce the standard, and give more flexibility in ways to achieve it. There is no State that does not have opportunities for renewable energy.

The ranking member suggests that it doesn't go far enough. Well, I would suggest that part of the reason that some of the exemptions have been made for co-ops and whatnot is to recognize the differences and to make it actually easier politically.

I will guarantee you that within the next 3 or 4 years after we adopt this we will be coming back, because the public will be demanding that more happen. That is why States are already ahead of the Federal Government and are adopting portfolio standards that are higher than we have.

People recognize that that is a source of new jobs in Oklahoma and in Florida. It is a new source of jobs in my State of Oregon. There is a new plant in Arkansas. There are tremendous opportunities. That is why, when people from coast to coast have an opportunity to vote on establishing them, these have been overwhelmingly approved, as I hope we overwhelmingly approve this today.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from the great State of Florida (Mr. STEARNS), a distinguished member of the committee.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, let me first of all agree with the Democrat from Oklahoma. He said this is a bad bill for the State of Oklahoma. This is also a bad bill for the State of Florida. Why is this bad? First of all, it is a giant tax increase.

Now, Mr. Udall has indicated that part of the reason this bill should be passed is because it stimulates the economy. I suggest when you stimulate the economy with an increase in taxes, you are not going to get the stimulation that you expect.

The Udall amendments proposes, as was mentioned, a one size that fits all States. Let each State work this out themselves.

Mr. Chairman, do all the Members realize that the Renewable Portfolio Standard does not include municipal solid waste? That does not qualify as renewable under the RPS proposal. In fact, a lot of the States that you represent use municipal solid waste. That is not even going to be part of this portfolio stand?.

This one size fits all is not going to work and does not take into account the nuances and the specific energy and economic needs of individual States. They are working on this themselves. We do not need this bill. Vote against the Udall amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Mexico. I appreciate his effort to support renewable energy and ensure clean, renewable sources of energy but this amendment is not the way to go about it. The Udall amendment proposes a one size fits all renewable portfolio standard RPS that would drastically increase electricity costs for Floridians and the entire Southeast without promoting investment in renewable energy generation.

Because of its design, the proposed Federal RPS imposes an unequal burden on States. Utilities located in areas of the country with poor renewable resources, like Florida, will be required to purchase credits from utilities located in areas with strong renewable resources potential, leading to significant wealth transfers out of Southeastern States.

This one-size-fits-all Federal mandate does not take into account the specific energy and economic needs of individual States by requiring that 15 percent of retail electricity sales be generated from specific renewable resources which are not prevalent in the Southeast. Because Florida and the Southeast lack sufficient quantities of such resources, utilities in our region would be forced to pay harsh penalties for noncompliance.

According to the U.S. Energy Information Administration, renewable resources currently account for only 3 percent of Florida's total electric generation. More than one-third of this power is generated from municipal solid waste, but municipal solid waste does not fully qualify as renewable under this RPS proposal. In fact, the majority of renewables currently used in Florida do not qualify under this proposal. Even if all existing renewable resources were included in the RPS, Florida would still have difficulty meeting the requirements given our limited availability of solar, landfill gas and virtually no wind power in the State.

And because Florida lacks the renewable resources as defined in this RPS proposal, this mandate would force electric utility companies to purchase renewable energy credits to meet the federal requirements. Since most of these credits would be purchased from the government and would not be based on actual renewable generation, it would essentially amount to an energy tax on all Floridians and anyone who lives in the Southeast. If Congress enacts a 15 percent RPS, this tax would cost Florida ratepayers billions of dollars and greatly increase the average annual energy cost to residential customers. In a report released by the Department of Energy in June 2007, the proposed RPS would cause residential customers to spend $7.2 billion more for electrtity.

Every single State public service commission in the Southeast, including the Florida PSC, recognizes this amendment will significantly raise electric bills for the ratepayers they represent. The Southern Legislative Conference, representing the legislatures of Southeastern states, has also recognized how unfair the Federal RPS is and has recommended that States be allowed to write their own standard.

In fact, 23 States already have an RPS tailored to fit their own available resources and energy needs and many more States are presently in the process of creating an RPS. Florida is one of those States. Governor Crist recently announced a 20 percent renewables program by 2020. However, he remains strongly opposed to a one-size-fits-all Federal mandate. It is Florida's position that individual States can best determine what is attainable in their State and should be allowed to set standards tailored to their specific capabilities and needs. I believe that renewable energy programs should be based on customer demand, regional differences, and appropriate incentives, not on unrealistic Federal mandates that selectively penalize electricity consumers in certain regions of the country. Regrettably, a Federal RPS mandate would impose significant additional costs to Floridians and the entire Southeast without providing any new investment in renewable generation within their State.

The Udall amendment will impose a giant new tax, while doing little to promote renewable energy, and absolutely nothing to lesion our dependence on foreign oil. I encourage my colleagues to oppose this one-size-fits-all RPS and vote against this amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield to the gentleman from Texas (Mr. HINOJOSA) for a unanimous consent request.

(Mr. HINOJOSA asked and was given permission to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Chairman, I rise in support of H.R. 3221, the New Direction For Energy Independence, National Security, and Consumer Protection Act.

This important legislation puts our Nation on a new course in energy policy—a course towards additional energy supply, energy efficiency, conservation, environmental stewardship, and a leadership role in the worldwide effort to confront global warming.

This legislation trains our workforce to provide the energy needs of future generations. Through the "Green Jobs" program, our Nation will train workers to manufacture sources of renewable energy and energy efficiency. We will also re-tool our economy and our workforce to bring about a diversified energy supply while assisting at-risk youth in developing the skills needed to join a new green economy.

This bill returns the United States to a leadership role in the international effort to halt climate change. As the world's leading economy and a largest emitter of greenhouse gas, our Nation must participate in negotiating new international treaties and agreements on the environment. The new Ambassador-at-Large for Global Climate Change will work to build consensus in the global community on this international problem.

The planet will be protected from global warming only through global cooperation and effort. This bill will task the State Department with attaining binding emissions reduction commitments from all major emitters, including China, India, and Brazil.

This monumental legislation is only the first step in bringing America towards a cleaner, safer, and productive future. I wish to acknowledge Chairman MILLER of the Education and Labor Committee, Chairman LANTOS of the Committee on Foreign Affairs, and all the other Committee Chairs for their strong leadership in drafting this bill.

Most importantly, I applaud Speaker PELOSI's visionary leadership in crafting a national energy policy that we can be proud of and future generations will be eternally grateful for. I hope all of my colleagues join me in supporting this important and overdue legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been another key player, organizer and leader on this issue.

Mr. MARKEY. Mr. Chairman, this is the energy vote of the decade. This is

the most important vote of the day, because this vote is about the future. This vote will decide whether or not we are going to have 15 percent of our electricity by 2020 generated by wind, by solar, by biomass and by the other renewable electricity energy resources.

Climate change, dependence upon imported oil, all of it is in this fossil fuel agenda. This gives us a chance to move to a new agenda, a new way of generating energy in our country: 15 percent by 2020.

This is the challenge for our country. This is what the American people expect from us, not to be held hostage by OPEC, not to be polluting the atmosphere, not to be exacerbating climate change, but to be moving to a renewable future.

This is the vote of the decade on the energy future of our country. This will send a signal to Europe, to China, to India, that we are serious about climate change, that we are serious about energy independence.

Vote yes on the Udall-Platts amendment. Vote for the future and not for the past.

Mr. Chairman, it is time for us to move on to the new agenda.

Mr. BARTON of Texas. Mr. Chairman, could I inquire as to the time remaining on each side on this amendment?

The CHAIRMAN. The gentleman from Texas has 11½ minutes.

Mr. BARTON of Texas. Eleven? I started out with 5. Now I have 11. This is good.

The CHAIRMAN. If the gentleman will suspend.

Mr. BARTON of Texas. I like that ruling, Mr. Chairman.

The CHAIRMAN. We are going to make sure it is a correct ruling.

Mr. BARTON of Texas. We have some renewable minutes here, it looks like.

Mr. UDALL of New Mexico. With all those renewable minutes, I hope you're for the bill.

The CHAIRMAN. I am informed that the Chair was correct.

Mr. BARTON of Texas. Really? Praise the Lord.

Mr. UDALL of New Mexico. How much time remains on our side?

The CHAIRMAN. Eight minutes. The Chair was correct.

Mr. BARTON of Texas. Mr. Chairman, since I have got a bonus of time here, I am going to yield myself 1 minute to comment on my good friend, Hopalong MARKEY'S, comments.

□ 1400

If this is the energy amendment of the decade, what happened to the Markey-Boehlert amendment on CAFE in the last Congress, or the pending Markey amendment on CAFE in this Congress, or the amendment on ANWR in the last Congress, or the pending amendments we are going to have on the climate change bill that is going to come out later this fall, or the vote on the Energy Policy Act conference report, which is the most comprehensive energy bill in the last 40 years that has been adopted?

If this is now the energy amendment of the decade, my friends on the majority are not planning on doing much on energy in the next decade. It is a worthy amendment. It is good to have a bipartisan debate. Renewable Portfolio Standards are obviously something that need to be debated and discussed and continually developed. But I do not believe this is the energy amendment vote of the decade.

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

Mr. UDALL of New Mexico. Mr. Chairman, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from North Carolina (Mrs. MYRICK), a member of the committee.

Mrs. MYRICK. Mr. Chairman, this amendment unfairly penalizes consumers in States like North Carolina, where investor-owned utilities provide a majority of the State's power using coal-fired generation and nuclear power, and it also undermines the State's Renewable Portfolio Standards. States in the Southeast and the Midwest are dependent upon coal-fired generation and investor-owned utilities have pioneered carbon sequestration techniques which substantially reduce further CO_2 emissions.

Many States don't have the environmental capacity to generate significant power through solar or wind. Western States are capable of harnessing wind, solar and hydroelectric power; and they benefit from meeting this. But they also would be able to sell credits to the States in the South, Southeast and Midwest, while higher retail energy costs will adversely affect the consumers and employers in States like North Carolina.

Any jobs created to meet a government-mandated RPS will be miniscule compared to the manufacturing job losses that will result from higher energy costs. If the goal of the amendment is to reduce emissions and develop domestic energy forces, why not factor in nuclear power? Nuclear power is very important.

I urge my colleagues to vote against the amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 15 seconds to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this amendment. The great State of Nevada has had a renewable energy standard for a number of years. It is a 20 percent standard. It is about time the rest of the Nation caught up with the great State of Nevada. Let's do this for the future of our Nation and the future of our children.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), the distinguished chairman of the Subcommittee on Energy and Air Quality.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I want to thank the gentleman from Texas for yielding this time.

Mr. Chairman, I rise in opposition to this amendment. There are a variety of reasons that we should not impose a requirement for the use of renewables for electricity generation as a matter of Federal law that would be applicable across the country.

The renewable resources for electricity generation are truly regional in nature and not every region of the country has them in sufficient quantity. The Southeast, for example, is deficient in both wind and solar resources; and these are the two renewable resources that are the closest to commercial viability across the country.

Some proponents have said that every area of the country has biomass and biomass could be used as a renewable resource for electricity generation. But, Mr. Chairman, it simply cannot be a primary way that a large electric utility meets a renewables requirement of 15 percent of its total generating capacity.

In fact, one utility estimated that it would have plant and harvest biomass from an area the size of the State of Connecticut if it is going to meet its 15 percent obligation using biomass. So it simply is not practical. That utility has little wind or solar potential. It would simply have to pay a large penalty that is estimated at about $20 billion between 2020 and 2030 to the Federal Government for its failure to meet its obligation to use renewables to the extent of 15 percent of generating capacity, and that is money that would ultimately have to be paid by the ratepayers.

Twenty-five States where renewable resources exist have their own renewables mandates. That is the way it ought to be handled, State by State, not through a one-size-fits-all national solution. In fact, one can hardly imagine a circumstance that is better suited to State by State decisionmaking and less well suited to a national mandate.

The 25 States with their own programs have local renewable resources, and they have tailored their State laws to fit that resource availability. Their State laws make eligible a variety of different kinds of fuels and other kinds of offsets in order to meet that 15 percent requirement. That is all tailored based on their local resources available.

Virtually all of the States with programs make a broader range of fuels eligible for inclusion under the mandate than does the amendment that is pending before the committee for national application.

Mr. Chairman, I urge the House not to penalize ratepayers who happen to live in areas that have few renewable

resources. I think that renewables should be encouraged, and in fact I would like to see them encouraged to the greatest feasible extent. The way to do that is State by State, not as a national mandate.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE). He has just written a book on energy. He is one of our big thinkers in the Democratic Party on this issue.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, this amendment really is critical because we know one thing about America: when it sets grand goals, it is roused to great advance. When John F. Kennedy on May 9, 1961, stood right behind me and set a goal of America to go to the Moon in 10 years, the U.S. Congress did not complain that at that moment we did not have all the technologies we need to set that goal. But Kennedy knew that when America sets goals, it achieves them.

Today, we set a goal to have 15 percent of our energy from renewable sources. We know this is an achievable goal. We know that every State in the continental United States, including the Southeast, has more solar energy capacity than Germany, that today, cloudy Germany is getting massive amounts of solar energy.

The reason is that we understand that we are the people who invented the airplane, the Internet, software and mapped the human genome. And we are going to do this together. We are going to use clean coal for 80, perhaps 89, percent using our fossil fuel. Is it too much to say that we will use 11 percent for renewables, for wave, biofuels, solar, and 4 percent for efficiency?

This is a moment for America to have the same spirit of the original Apollo Project, and for the moment do not shirk and fear. Let's live our dreams. Let's live our aspirations. Let's pass this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Oregon (Mr. WALDEN), a member of the committee.

Mr. WALDEN of Oregon. Mr. Chairman, I thank you, and I thank our ranking member for yielding the time.

Mr. Chairman, I have been a believer that when it comes to RPS, they are best implemented locally at the State level or regionally, and, indeed, our State of Oregon has done so very effectively after much consideration.

I came to the floor today thinking maybe this was a national version, if we were going to have one, to incent renewable energy, which I am a big advocate of, that this might work. But in reading this amendment as it has been proposed over the last few days, there are some issues that are contained therein that bring me to the point where I have to oppose it.

Predominantly they relate around the sections that preclude certain biomass, depending on where it came from, from counting toward the Renewable Portfolio Standards requirement. I just don't understand why if biomass taken off one part of a forest counts, biomass taken off another part of a forest doesn't count. These are arbitrary decisions contained on page 3 and elsewhere in this legislation.

I have an area in my district that has juniper trees that need to be removed, and everyone agrees they need to be removed. You could remove those juniper trees off the land not under the National Landscape Conservation District boundaries and they would count toward the biomass, toward Renewable Portfolio Standards, but those contained therein would not. The same with roadless wilderness study areas and things of that nature.

Additionally, I am concerned about a definition I just ran across involving rural electric co-ops and how that could be defined, because I know there are some co-ops that aren't necessarily rural only.

Finally, I would love to know why Hawaii is completely exempted from it.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I appreciate my friend from Oregon and colleague's concerns, and as we have talked, I think his point is well taken in terms of the definition of biomass. I have indicated to the gentleman that I would be willing to work with him to make sure that this modest adjustment is made. I don't think there is any intent, and I look forward to working with him to make sure that that is solved.

Mr. UDALL of New Mexico. Mr. Chairman, I would also like to work with both of the gentleman to see that we correct this. I think this is something that we can work on and we can iron out.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), who I know is very interested in renewable energy issues and has been a leader on that front.

Mr. KIRK. Mr. Chairman, I rise in support of this amendment, because an increase in renewable energy for our country will be an increase in American energy. Frankly, I would rather pay the Midwest than the Mideast for energy.

As someone who still serves in the military, I would like to accelerate a day in the future in which our dependence on foreign energy is less of a concern to the Pentagon. Half of our States have already led with these kinds of standards.

The Founding Fathers intended States to advance laws and standards before the national government did. They have led on this, and now it is time for our country to pitch in.

This amendment helps us to pay Americans, not foreigners; it reduces our impact on the environment; but, most importantly, it makes it less likely than the Pentagon of 2020 is worried about foreign sources of energy.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from the great State of Arkansas (Mr. ROSS), a member of the committee.

Mr. ROSS. Mr. Chairman, I strongly support the development of renewable resources. However, establishing a nationwide standard through a one-size-fits-all approach makes this goal unachievable for States like my home State of Arkansas.

In fact, if this amendment passes, I will be forced to vote against an energy bill that I helped write. The energy bill went nine, 10 or 11 committees without this language, and here we are in the eleventh hour trying to put it on the bill in the House floor.

My home State's wind capacity is minimal. And while we have great potential for biomass, the industry is years away. That means that in the meantime, this requirement would force consumers to have to bear the burden of making these technologies cost effective.

Arkansans are among some of the lowest income in the United States, and this requirement will disproportionately affect them, resulting in their being forced to pay up to $15 more a month for electricity. That is why the Arkansas Public Service Commission, appointed by a Democratic Governor, has come out against this amendment.

If this amendment is so great, why has its authors exempted municipal power systems, the TVA, electric co-ops and the State of Hawaii?

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity, first of all, to thank you. This is a historic day. We hear the Presidential candidates on both sides, Republican and Democrat, talk about the importance of securing our Nation with energy. This is one of the first steps in order to do that. We have to take these steps. This gives us an opportunity to begin to secure our Nation, to reduce our dependency on the volatile supply of fossil fuels so we will be able to be more independent as we move forward.

This opportunity also provides economic security for our Nation as a whole. It is also a historical moment in terms of renewing that energy that is out there besides in terms of just looking at the existing ones.

In addition, let me just take this opportunity to say that this is about ensuring a clean and healthy future for our children and grandchildren and future generations. This has to begin to occur now.

Yes, it has got its difficulties, but it is the first step in the right direction, to make sure we do the right thing. I want to encourage each and every one of you to vote in favor of this particular bill.

Mr. BARTON of Texas. Mr. Chairman, I would like to yield 1 minute to a former Member of the committee from the great State of California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise today in opposition to the exemptions in this motion. I find it hard to believe that anyone who wants to really fight greenhouse gases is going to try to have winners and losers and allow these major exemptions that are in this bill.

The City of Los Angeles is going to continue to go without the same mandates and requirements and standards that the City of San Diego would have. Why are public utilities exempt in this bill, as if their emissions are not going to affect the environment, as if government is somehow immune? Government should be leading, not being exempted.

Mr. Chairman, as many surfers know, like myself, Hawaii has some of the most sun, wind and surf of any State in America. Why are Hawaii emissions exempt from this mandate when the rest are included? These exemptions are irresponsible and do not justify the environmental intention of this motion.

I have strongly supported the intention, but it is too bad that special interests, special lobbying and the backroom deals have snuck in these exemptions that should not have ever existed.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS), who has worked on these issues for many years.

Mr. SHAYS. Mr. Chairman, I waited 20 years for a debate like this, so thank you to this Congress.

I live, all of us live, in the greatest country in the world; but we consume and waste too much energy and we are vulnerable to oil-rich states in a part of the world that would do us harm. We need to work towards energy independence, freedom from declining energy sources, freedom from nations who would do us harm.

Thirteen years to reach 11 percent renewable and 4 percent efficiency that is doable. We need to set this goal and then strive every day to reach it. And it is not as hard as the opponents would have us believe.

Biomass, which includes so much, incremental hydropower, solar and solar water heating, wind, ocean tidal, geothermal, distributed energy, PURPA-qualified facilities. This is a goal we can reach. At least we should strive to reach it. We have 13 years to do it, and we need to start today.

□ 1415

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from the Keystone State of Pennsylvania, Mr. Clean Energy, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. I thank the chairman of the committee for yielding me this time.

Currently, 3 percent of the grid is renewables. I wish there was a quick way we could turn the switch on and get to 15 in this short period of time. Such a mandate will raise power rates for many. A Federal RPS will undermine the existing programs in 25 States. Nowhere will this be more harmful than in Pennsylvania where we allow 20 different sources of energy to meet our 12 percent RPS.

Folks, wind and solar are our hope and dreams, but they are very, very small. And when the wind doesn't blow and the sun doesn't shine, we have a redundant source of energy for them, and that is natural gas, which has become the most expensive source of electricity today because we have been unwilling to produce it.

We will cause States that don't have what they need to pay much higher rates, and we will not have the growth and increase of renewable electricity that we want. We have 50 States. Incentivize all of them to go out and meet these standards, but don't do a Federal mandate. It will work some places; it will cause harm in other places. Let the 50 States determine.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 30 seconds to the gentleman from California, chairman of the Committee on Oversight and Government Reform and a real leader on renewable energy issues, Mr. WAXMAN.

Mr. WAXMAN. People should not look for reasons to be against this amendment, they should look for reasons to be for it. It is in our natural interest. It is a win for our environment. It is a win for energy independence. It is a win for our national security.

L.A. County is a municipal system. They are reducing 20 percent and diverting it to renewables.

Let's recognize when we have more renewable energy, it provides jobs, it provides a better future and a better chance to accomplish what we need to do in this Nation.

I congratulate Mr. PLATTS and Mr. TOM UDALL, and urge my colleagues to vote for the amendment.

Mr. BARTON of Texas. Mr. Chairman, I am the remaining speaker. I know Mr. UDALL has the right to close, so I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire, a leader in the freshman class on this issue, Mr. PAUL HODES.

Mr. HODES. Mr. Chairman, the challenge of energy independence is perhaps the greatest challenge we face for the future of this country and our planet. It means national security, and it means jobs in the 21st century, and it means meeting the challenge of global climate change.

Twenty-three States have already adopted a renewable portfolio standard. In my State of New Hampshire, we have a standard of 25 percent by the year 2025. We should not be hampered by fear that we cannot accomplish great things in the country. Our entrepreneurs and our free market system are ready to meet the challenge. They are waiting for a national standard, for a renewable portfolio standard to provide them the certainty to move forward. It is certainty to the free market that this standard will meet. It is time for a national standard.

I support this amendment. I urge my colleagues and all those who understand the power of the entrepreneur in America and the free markets to support this amendment. It is time for full speed ahead.

Mr. BARTON of Texas. May I inquire if the sponsor has any other speakers?

Mr. UDALL of New Mexico. Yes, I do.

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I would like the gentlewoman from Colorado (Ms. DEGETTE) to speak for 1 minute. She has helped enormously in this effort. She is a key player on the Energy and Commerce Committee.

Ms. DEGETTE. Mr. Chairman, if we really want to achieve energy independence, we need to make a national commitment to a common floor for a renewable portfolio standard. One size does not fit all, and that's why this amendment sets up a flexible, market-based trading system that lets utilities choose whether to develop renewable generation themselves or purchase credits from firms that have lower costs. If everybody does this, natural gas in the south and other places will go down.

The concept of an RPS is not new, but recently it is gaining support like never before. Twenty-three States have passed versions of this. In my State of Colorado, the voters passed this over the objection of industry and the utilities. It was so successful that the legislature and Governor, with the support of industry, utilities and the farm community, increased our RPS by 20 percent by 2020 this year.

It is the right thing to do. It is a good national commitment, and we believe by working together we can all meet this standard.

Mr. UDALL of New Mexico. Mr. Chairman, I recognize the gentleman from Maryland (Mr. GILCHREST) for 30 seconds. He knows this issue very well and I think has some important words for us.

Mr. GILCHREST. Mr. Chairman, I would like to ask the question: Is ingenuity dead in America? I don't think it is.

If we look at the bottom of the bottomless pit, the bottom of the bottomless pit which we assume is an oil well, we will not find oil, we will find ingenuity. This is an issue of how America can rise to the occasion, provide for better national security, provide for a dynamic economy based on new technology, provide for a sound environment, and provide for the question of morality in this issue to our grandchildren.

Ingenuity is not dead in America. Vote ''aye'' on this amendment.

Mr. BARTON of Texas. Mr. Chairman, I have been informed as a member of the committee I have the right to close. I would ask the sponsor to close, and then I will close.

The Acting CHAIRMAN. The gentleman is correct.

Mr. UDALL of New Mexico. Mr. Chairman, the staff work has been incredible on this, including my legislative director. I want to thank them all.

My cousin, who has been a key part in this effort, gave up his time so the Republicans could speak in a spirit of bipartisanship. With that, I would urge the rest of my colleagues to join me and my friends in passing this amendment and putting America on a path to a more secure energy future, create hundreds of thousands of jobs, and reduce the energy bills for our children and grandchildren.

Mr. BARTON of Texas. Mr. Chairman, I yield myself the balance of my time.

We have had a good debate, Mr. Chairman. It is an issue that needs to be debated. But the amendment reminds me of a Hollywood starlet, and the authors remind me of a Hollywood cosmetic surgeon. This amendment has been nipped and tucked so much that it is hard to recognize the original amendment. It is still not ready for its screen test.

I would hope that we defeat the amendment so we can then work together on a bipartisan basis on a renewable portfolio standard that could be supported. If you included nuclear power, if you included all sources of biomass, if you included the entire United States of America, and you didn't exempt one from the other, if you included municipal utilities like the Los Angeles Power and Light Utility that Mr. WAXMAN spoke about, you might have a basis on coming to an agreement that could be agreed upon by both sides of the aisle and some of the people that are now opposed to it.

But this particular amendment needs to be opposed for all of the reasons that people like Mr. BOUCHER has said and Mr. STEARNS has said and Mr. ROSS and Mr. BOREN and others have said. So I do hope when it comes time for the vote that the House rejects this amendment so we can work in the future on something that might be supported. I ask for a ''no'' vote.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in opposition to this amendment.

Mr. Chairman, I am proud to come from a state that has an impressive renewable energy standard—or RES—that was developed by Texans, for Texans, and that meets the needs of our state.

Unlike most state RES plans, which are based on a specific percentage of sales, the Texas RES plan has a fixed statewide renewable capacity requirement of 5,880 megawatts (MW) by 2015, which would represent about 5 percent of the state's energy capacity.

This isn't a question of whether or not we should encourage states to produce more electricity from renewable sources—we should. The question is whether a one-size-fits-all federal mandate is the best way to accomplish this goal.

States like ours are already encouraging the development of renewable energy resources. Because of the diversity of state RES plans, any federal RES mandate could undercut or preempt those efforts. Some states promote resources—like nuclear, fuel cells, biogas, or bio-diesel—that are not considered an eligible resource under this amendment.

I am most concerned with the impact on my constituents' electricity bills with a federal RES. I represent an underserved area where hard-working families cannot afford to face higher energy costs.

In order to meet a 15 percent Federal RES by 2020, based on a 30 percent capacity factor, Texas would need 29,159 MW of intermittent renewable capacity in operation by 2020. This is a 953 percent increase over its existing wind capacity, a 767 percent increase over its existing non-hydro renewable capacity, and a 396 percent increase over the 2015 state RES requirement of 5,880 MW.

Texas utilities will likely be forced to make payments to the Federal Government to meet this federal mandate.

Voting against this amendment doesn't mean you're against renewable electricity generation. It only means you believe each state should decide for themselves the goals and targets that meet each state's unique capabilities.

Mr. WELLER of Illinois. Mr. Chairman, I rise today in support of the Udall/Platts amendment that will establish a Federal renewable portfolio standard of 15 percent by the year 2020.

By ensuring that 15 percent of the electricity we produce comes from renewable sources by 2020, we take another great step forward, just like we did when we passed the Energy Policy Act of 2007, in working towards the goal of energy independence.

In addition to the goal of energy independence, this amendment also takes steps toward an issue that we as a country need to ban together to fight . . . and that is global warming.

The Federal renewable portfolio standard we are debating here today by 2030 will save consumers an estimated $16.4 billion on their energy bills and an estimated $10 billion on their electricity bills.

In addition, the amendment will increase our renewable energy capacity to 91 gigawatts and it's estimated that annual power plant carbon emissions will be reduced by 180 million metric tons.

For my rural 11th District of Illinois, renewable sources of energy like wind and biomass are producing new jobs and revitalizing many small towns.

There are currently two wind farms in my district, Mendota Hills and Crescent Ridge, with an additional two more, Twin Groves and McLean Wind Energy Center, in the works. The Crescent Ridge project, once completed will be one of the largest wind farms in the country.

Since passage of the Energy Bill, we have seen over $100 million invested in Wind energy with a total investment of close to a billion dollars.

The American Wind Energy Association estimates that for every new megawatt (MW) of wind energy, 15–19 direct and indirect jobs are created. There are about 826 MWs of planned wind production in various stages in Illinois. That translates into 14,868 jobs in Illinois.

By establishing a Federal renewable portfolio standard, we can continue this growth in renewable energy and continue to produce many more new jobs.

While I do support the underlying amendment, I believe it lacks one critical component. That is the inclusion of nuclear power as part of the standard.

I have the distinct pleasure of representing a district that has the most nuclear power plants of any member of Congress.

Accounting for close to 20% of the electricity produced here in the United States, nuclear energy cannot be ignored.

With the focus of an RPS to not only drive us towards energy independence but to reduce carbon emissions, you cannot leave out an energy source like nuclear that produces 0 emissions.

I am hopeful that when we move forward with this policy that I can work with the sponsors of this amendment to have this clean burning energy source included.

In closing, I would like to take the opportunity to commend Congressmen UDALL and PLATTS for offering their amendment today and ask that all of my colleagues support this amendment.

Most of our States are moving towards renewable portfolio standards; its time for our country as a whole to become the leader.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–300.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. VAN HOLLEN:

In section 9117(a), in the amendment adding paragraph (18) to section 111(d) of the Public Utility Regulatory Policies Act of 1978, in paragraph (18)(B), strike ''and'' in clause (iv), strike the period at the end of clause (v) and insert ''; and'' and after clause (v) insert:

''(vi) offering home energy audits, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make home energy efficiency improvements more affordable.''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman

from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, this bill before us establishes many important incentives for consumers to make savings through the use of improvements in energy efficiency. However, I think we all understand that those incentives only work if consumers know about them and they are easily accessible, and that is what this noncontroversial amendment aims to do.

It simply adds a sixth policy option for States to consider in title IX of the underlying bill. It asks States and asks utilities to partner with us to promote the use of home energy audits, to educate homeowners about the financial and environmental benefits associated with residential energy efficiency improvements, and to publicize the availability of Federal and State incentives to make residential energy efficiency improvements more affordable. In short, this amendment represents a voluntary, commonsense way to drive consumers towards the very incentives we encourage them to use in this bill.

Mr. Chairman, this comprehensive energy package represents a long-overdue course correction and a new vision for energy policy in the United States. Today, we are beginning to make good on our commitment to redirect many of the wasteful subsidies away from already highly profitable oil and gas companies towards the renewable energy and energy efficiency technologies of the future.

These investments will reduce our dependence on foreign oil. They will help combat the growing problem of climate change by reducing our carbon dioxide emissions by 10.4 billion tons through the year 2030, more than the total of all tailpipe emissions from all of the cars on the road today.

As we generate cleaner power, we will also generate an estimated 3 million good-paying jobs over the next 10 years while investing in small business, economic development and high-payoff research at the Department of Energy.

And its energy efficiency provisions that we hope this amendment will encourage more consumers to go toward will save consumers if they take advantage of them, a staggering $300 billion through the year 2030, demonstrating once again that the cheapest kind of energy is the kind we never have to use.

Mr. Chairman, this amendment is designed to ensure that American consumers know of the new possibilities before them. Many who oppose this bill focus on what they claim America cannot do. Those of us who support this bill have great faith in the creative energy and entrepreneurial spirit of the American people and our capacity to find innovative solutions to the challenges we face.

I encourage my colleagues to adopt this amendment which is in the spirit of the overall bill.

Mr. Chairman, this bill establishes many important incentives for consumers to make savings through the use of improvements in energy efficiency. However, those incentives only work if consumers know about them and they are easily accessible. That is what this noncontroversial amendment aims to do. It simply adds a sixth policy option for states to consider in Title IX of the underlying bill. It asks states and utilities to partner with us to promote the use of home energy audits; to educate homeowners about the financial and environmental benefits associated with residential energy efficiency improvements and to publicize the availability of Federal and State incentives to make residential energy efficiency improvements more affordable. In short, this amendment represents a voluntary, commonsense way to drive consumers toward the incentives we encourage them to use.

Mr. Chairman, this comprehensive energy package represents a long overdue course correction and a new vision for energy policy in the United States. Today, we are making good on our commitment to redirect huge wasteful subsidies away from our already highly profitable oil and gas companies toward the renewable energy and energy efficiency technologies of the future.

These new investments will reduce our dependability on foreign oil. They will significantly enhance our ability to combat global climate change—by reducing our carbon dioxide emissions by 10.4 billion tons through 2030, more than the total tailpipe emissions from all the cars on the road today.

And while these investments generate more clean energy they will also generate an estimated 3 million good-paying jobs over the next 10 years while investing in small business economic development and high-payoff research at the Department of Energy.

And its energy efficiency provisions will save consumers and businesses a staggering $300 billion through 2030—demonstrating once again that the cheapest kind of energy is the kind you never have to use.

This amendment is designed to ensure that American consumers know of the new possibilities before them. Many who oppose this bill focus on what they claim America cannot do. Those of us who support this bill have great faith in the creative energy and entrepreneurial spirit of the American people and our capacity to find innovative solutions to the challenges we face.

I encourage my colleagues' support.

Mr. BOUCHER. Would the gentleman from Maryland yield?

Mr. VAN HOLLEN. I would be happy to yield to Mr. BOUCHER, and I want to commend him for his important work on this bill.

Mr. BOUCHER. I thank the gentleman for yielding and for his comments. I want to commend the gentleman for bringing this amendment before the committee today.

Home energy audits can be extremely helpful in encouraging energy efficiency. Most people are very surprised to learn just how energy inefficient, how leaky their homes actually are, and how inexpensively those energy leaks can be remedied and plugged simply by putting sealing and other kinds of technologies around doors and windows and around the roof.

Requiring States to consider holding their utilities to a Federal standard that would enable them to offer home energy audits, and in fact require that, to educate consumers and to publicize low-interest loans to finance these improvements could lead to many audits that otherwise are not likely to occur. Those audits in turn would lead to major energy savings we are not currently obtaining.

As long as implementation of the amendment takes into proper account any potential to create undue competition between utilities that are offering home energy audits and the private entities that are already doing so, this amendment would create an excellent standard for consideration by the States. I am pleased to urge its adoption.

□ 1430

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague from Virginia, and I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition?

Mr. BARTON of Texas. Mr. Chairman, I can't say we really support it, but we don't oppose it. So we don't seek any time on it.

I yield back my time.

Mr. VAN HOLLEN. Mr. Chairman, in that case, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. SCHWARTZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–300.

Ms. SCHWARTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SCHWARTZ:

In part 4 of subtitle A of title IX, add at the end the following new section:

SEC. 9053. GREEN MEETINGS.

(a) PURCHASE OF MEETING AND CONFERENCE SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall ensure that the Federal Acquisition Regulation is revised to require each Federal agency to consider, in each purchase of meeting and conference services, the environmentally preferable features and practices of a vendor in a manner substantially similar to that required of the Environmental Protection Agency in section 1523.703–1 (relating to acquisition of environmentally preferable meeting and conference services) and section 1552.223–71 (relating to EPA Green Meetings and Conferences) of title 48, Code of Federal Regulations, as set forth in the Environmental Protection Agency final rule published on pages 18401 through 18404 of volume 72, Federal Register (April 12, 2007).

(b) DEFINITIONS.—In this section—

(1) the terms ''environmentally preferable'' and ''Federal agency'' have the meanings given them by section 2.101 of the Federal Acquisition Regulation; and

(2) the term ''meeting and conference services'' means the use of off-site commercial facilities for a Federal agency event, including an event for a meeting, conference, training session, or other purpose.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. Mr. Chairman, I yield myself such time as I may consume.

First, let me say I'm strongly supportive of the underlying bill that we are debating today. I think it moves us forward toward energy independence. It's exciting for all American businesses, for conservation, for energy efficiency and for the future of this country and this world.

My amendment is fairly straightforward. It helps us move us toward more green policies. Each year, the Federal Government spends $14 billion for travel, most of that money going for hotels and for meeting spaces. These are taxpayer dollars that should be used to encourage the reduction of energy consumption. For instance, if one hotel initiates a linen and towel reuse program, it can conserve 200 barrels of oil, enough to run a family car 180,000 miles.

My amendment moves the United States towards green government by ensuring that the Federal Government considers the environmental benefits of the vendors with which they contract for meetings and conferences. This proposal expands upon a policy already used by the Environmental Protection Agency.

The EPA says this policy, they hope, ''is seen as a template that eventually may be emulated governmentwide.'' My amendment expedites implementation of this policy across the Federal Government and requires that within 180 days all Federal agencies must consider the environmentally preferable features and practices of a vendor in a manner that's substantially similar to the EPA.

I urge support of this amendment.

Mr. BOUCHER. Mr. Chairman, will the gentlewoman yield?

Ms. SCHWARTZ. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of her amendment and am pleased to urge its adoption.

The Environmental Protection Agency has criteria presently assuring that any conferences that the EPA conducts are held at the highest standards for energy efficiency and for minimum environmental impact. This amendment would simply require all Federal agencies holding conferences and meetings to consider meeting these criteria. It's a step forward, and I'm pleased to urge its adoption.

Ms. SCHWARTZ. I thank you.

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

The Acting CHAIRMAN. Does anyone rise in opposition?

Mr. BARTON of Texas. Mr. Chairman, we're neutral on the amendment and seek no time in opposition.

I yield back my time.

Ms. SCHWARTZ. I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. ARCURI

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110–300.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ARCURI:

In title IX, insert the following at the end of part 1 of subtitle B and make the necessary conforming amendments in the table of contents:

SEC. 9119. EMINENT DOMAIN AUTHORITY.

Section 216 of the Federal Power Act (as added by section 1221 of the Energy Policy Act of 2005) is amended by repealing subsections (f) and by amending subsection (e) to read as follows:

''(e) ACQUISITION OF RIGHTS-OF-WAY.—In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facilities, the permit holder may acquire the right-of-way in accordance with State law for the State in which the property is located.''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I yield myself such time as I may consume.

My amendment would remove the right of a private company with a project that has already been approved by FERC to use the Federal Government's supreme power of eminent domain to take private property from landowners. Contrary to what the utility companies claim, my amendment would not leave an approved company without any recourse.

No, instead it would merely require the approved company to follow the existing State law procedure for obtaining a right-of-way. States have laws that help companies with approved power projects obtain the necessary right-of-ways, and these laws work. They have worked for many years. I know of no power line project anywhere in the country that has ever failed to be completed once it had been approved and the company held the necessary permits to begin construction.

We understand that there are serious energy needs facing this country that must be addressed swiftly and judiciously. All this amendment does is permit an already approved company from using Federal eminent domain to drag a property owner into Federal court and take his land. That is a supreme power of the Federal Government.

This is not a Democratic or Republican issue or liberal or conservative issue. This is about protecting the rights of the citizens of this country.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I think that those of us who are Members of the House who have watched this debate have seen that, as we have actually debated various amendments, I've gone out of my way to be as supportive of as many of the amendments as possible. We have accepted a number of them with no debate at all. So it's not in any spirit of partisanship or anything like that that I rise in opposition to this.

In the Energy Policy Act 2 years ago, at the request and after extensive consultation with stakeholders, we put in a provision that in certain cases gives the Federal Energy Regulatory Commission the authority to go in and arbitrate in some of these interstate transmission, grid transmission lines where the States have not been able to reach agreements among themselves. It's a very limited authority, but part of that does give eminent domain authority that is the intent of this amendment to strike.

We don't have enough transmission grid capacity in this country right now. We need to be building more power plants. We also need to be building more transmission lines to get that power to the market. This amendment, if successfully passed, would gut what we just did 2 years ago.

There have been a number of other attempts to change this part of the Energy Policy Act. The latest attempt was in June when Congressman HINCHEY tried to strip out or gut section 216. It lost on the House floor 174–257. I hope that this amendment has a similar fate if it comes to a rollcall vote.

We simply have to have the ability in this country to move electricity from where we generate it to where we consume it, and in some States like Texas, Alaska, some of the large Western States, you can actually generate it in one State and use it in the same

States, which means you are transmitting it in intrastate commerce, but in most of our States, you're going to have transmission lines across State lines. So we have to have some Federal agency to serve as an arbitrator when the States can't agree amongst themselves.

And in the Energy Policy Act 2 years ago, we gave that authority, under limited circumstances, to the Federal Energy Regulatory Commission. I think it was the appropriate thing to do, and I hope that we keep that authority, and I hope we would, thus, oppose this particular amendment.

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

Mr. ARCURI. Mr. Chairman, I respectfully disagree with my colleague from Texas. This amendment would not gut the bill. In fact, it would just give the States the right to have some input into where the power lines are going to be run in the State the same way that they have input in the State of Texas.

With that, I yield 1 minute to my good friend and fellow New Yorker (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I thank the gentleman for yielding, and I stand in strong support of this amendment.

I stand here speaking for my constituents at the Mount Hope Presbyterian Church in Orange County, New York, whose right-of-way to their church, a pillar of their community, will be cut off by the 130-foot-high tower for a power line that will be stuck in their driveway.

I stand here speaking for the owner of the Otisville, New York, hardware store, another mainstay of the community, and for his customers and his employees whose store will be leveled to put a tower there for the transmission line because they are running it literally down Main Street in patriotic, hardworking, taxpaying, all-American town of Otisville, New York.

Only one of the many stories of the NYRI power line, one of these supposedly national interest electric transmission corridors. In the name of property rights and in the name of States' rights and in the name of due process and protecting ordinary Americans from having their rights run over by some distant Federal agency that they don't understand, I plead for support of this amendment.

Mr. BARTON of Texas. May I ask how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 2 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, this is a complex issue, and I wish we had more time to really debate it, but it is a very important issue because this language was in the energy bill because we had problems across this country around our centers where a lot of electricity is used.

New York is the biggest user of electricity, but if we do this, we're saying that we have enough. If surrounding States such as Pennsylvania, an energy exporting State, took the same attitude, New York would be in the dark. Indeed, more reasonable New Yorkers realize this as demonstrated by the following statement from Mr. Gil Quiniones, Chair of the New York Energy Policy Task Force: ''The designation of vitally needed transmission corridors will enhance the public welfare both in the Nation at large and in New York City as the Nation's most critical financial and commercial center.''

Join me in defeating this amendment. This is scare tactics. These are very limited powers that are used already on gas transmission lines. They've not been abused, but when we have disagreements between States and we have local groups who are just anti everything in energy, we need the ability to get electric and gas to our cities so they can function.

Mr. ARCURI. Mr. Speaker, may I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from New York has 3 minutes.

Mr. ARCURI. Mr. Chairman, I would submit that this is nothing about scare tactics. In fact, this morning I received notice from our Governor, who is a resident of New York City, supporting this amendment because this will help us get power to New York City in a responsible way. That's what this amendment is about. It's not about preventing it. It's about helping it to be done in a responsible way.

And with that, I yield 1 minute to my fellow New Yorker (Mr. HINCHEY).

Mr. HINCHEY. I express my appreciation to my friend and colleague from New York (Mr. ARCURI) for putting this amendment out so that we can have an opportunity to discuss it.

As we have just heard, this amendment is supported strongly by the Governor of New York, and in fact, it is supported essentially by every Governor across the States. Why is that? Because this amendment makes it clear that the issue of eminent domain constitutionally belongs in the hands of the State, not the Federal Government, and it simply says that there is no impediment about these lines but decisions with regard to eminent domain should be placed in the hands of the State and the State government.

People should have a right to be able to protect their private personal property rights, and issues involving transmission lines and others that may require the use of private property are to be dealt with in a reasonable and lawful way, and this is what this amendment simply does.

It's very straightforward, very direct, and in no way impedes anything that is going to be injurious to any issue involving electricity or anything else. It simply asserts the rights of private property.

Mr. BARTON of Texas. Mr. Chairman, I yield 30 seconds to a member of the committee, Mr. GREEN of Texas.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to this amendment.

I don't know how many times this Congress has to vote against this. It's been defeated twice during the appropriations process.

Every analysis of the past decade has confirmed the critical need to expand and upgrade our Nation's transmission infrastructure, a need that's already raising the cost of electricity to many Americans and proving a barrier to diversifying our energy resources. Now is not the time to take a step backward.

I think it's interesting our three colleagues from New York, if it's an interstate line, it doesn't matter, but you may have problems getting it to New York. But also, New York was the last place that had a blackout simply because there was a problem in Ohio.

We need to have these transmission corridors across our country.

This amendment removes from federal law the grant of eminent domain authority that comes with the issuance of a construction permit by the Federal Energy Regulatory Commission, FERC, to a critical transmission project located in severely congested areas.

The Arcuri amendment would eliminate from the Energy Policy Act of 2005 the incentive provided for states to cure gaps in their state siting laws that are especially apparent when interstate projects are needed.

Nowhere else has Congress authorized FERC to grant approval for energy projects—such as natural gas pipelines—without also assuring the necessary federal eminent domain authority accompanies the permit, license, or certificate.

Under EPAct 2005, the only projects FERC will consider are those that are critically needed and for which States could not or would not act to approve in timely manner.

Yet, the Arcuri-Hinchey-Hall amendment would establish greater barriers to the success of these projects than any other energy project.

The same grant of eminent domain authority that is available to all other energy projects approved by FERC should be available to these critical transmission projects.

I urge my colleagues to oppose this amendment.

□ 1445

Mr. ARCURI. Mr. Chairman, in closing, there is an old saying that we should think globally but act locally. That is exactly what this amendment attempts to do. That is the idea behind this amendment.

We crafted it very narrowly, and despite some of the comments by the speakers about the problems that this would create, it does no such thing. In fact, it does just the opposite. This achieves all of the things that we need in this country. That is, getting energy and power to our large communities, to our large cities, to New York, to Los Angeles, to the places that need it.

It does it in a responsible way. It does it in such a way that the localities, the areas that we call the faucet, have some say in getting the power to the sink, and that's the area that FERC refers to as the place that needs the power, and, equally as important, that the people along the way have some say as well.

That's what this amendment does; and, as I say, it is supported by, as my friend, Mr. HINCHEY, said, most of the Governors in this country.

The amendment deals with the concerns of localities. It deals with the constitutional rights, the States' rights that our States are most concerned with and, most importantly, it deals with the needs of all Americans.

I strongly support this amendment, and I urge my colleagues to do so as well.

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

Mr. BARTON of Texas. Mr. Chairman, in closing, let me simply say that the Energy Policy Act requires that you go through the State siting process first, including going through the State court system first. If you have a problem there, you then have to get the Department of Energy to designate the particular corridor as an electric transmission corridor that's in the national interest. Then you go to the FERC, and then they go through a hearing process that then can be subject to the Federal court system.

What's in current law is carefully crafted to protect States' rights, to protect the local community but also give the ability on rare occasions to get a transmission line built that needs to be built.

I urge the defeat of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. HODES

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110–300.

Mr. HODES. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HODES:

In part 3 of subtitle A of title IX, add at the end the following new section:

SEC. 9035. RENEWABLE ENERGY REBATE PROGRAM STUDY.

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall conduct, and transmit to Congress a report on, a study regarding the rebate program described in section 206(c) of the Energy Policy Act of 2005. The study shall—

(1) develop a plan for how such a rebate program would be carried out if it were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goal of encouraging consumers to install renewable energy systems in their homes or small businesses.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of an amendment offered by Mr. WELCH of Vermont, my distinguished colleague, and me. This amendment would order a study using already appropriated funds to determine how best to administer a renewable energy rebate program for homes and small businesses.

The Energy Policy Act of 2005 directed the Energy Secretary to establish a rebate program to encourage consumers to use renewable energy to power their homes and small businesses. It included a broad definition of renewable energy, allowing Americans from every corner of the country to benefit from such a rebate.

The program has great potential for helping those without the initial capital to make their homes or small businesses green. However, after the program's inclusion in the 2005 Act, Congress did not follow through on its goal of encouraging renewable energy for families and small business owners. While it was authorized for a total of $1 billion from fiscal years 2006 through 2010, not one penny has been appropriated under this program to provide rebates under this program.

Now, more than ever, this program is essential to kick-start a clean green energy revolution for millions of American family and our small business owners.

Congress needs to know how we can make this program work. Our amendment would require a study using existing Department of Energy funds to create a plan for administering the rebate system and estimating how much money the program would need to effectively encourage families and small business owners to install renewable energy systems. With this information in hand, Congress will be better equipped to determine the best way to encourage renewable energy use.

Families and small businesses are among those who face the toughest challenges in coping with rising energy costs. Congress has had the good judgment to authorize a program to fix this program, and it's time we make it work.

Mr. Chairman, I yield to my distinguished colleague, the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I thank my distinguished colleague from New Hampshire for yielding, and I commend him on bringing the amendment before the committee.

Mr. Chairman, his amendment to title IX would order the Secretary of Energy to conduct a study of the Renewable Energy Rebate Program for homes and small businesses as that program is defined in the Energy Policy Act of 2005. The study would require the creation of a plan for the program and also determine a minimum amount of funding that the program would need to be viable. It is a helpful addition to energy policy, and I encourage its adoption.

Mr. HODES. Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I am only in mild opposition to this, but I am in opposition. I don't really think we need this particular study. It seems to be duplicative. It wouldn't be the worst amendment ever adopted on the House floor, if it were to be adopted, but I don't really think that it's necessary.

What I really want to talk about is the current Republican chief of staff to the Energy and Commerce Committee, Mr. Bud Albright, who is in the Chamber behind me.

Last evening, the other body confirmed him to be the Under Secretary of Energy, and so he will be leaving in the very near future to try to use some of the great things he has learned from myself and Mr. DINGELL and Mr. BOUCHER and others for the benefit of the Department of Energy and the people of the United States of America as the number three person at the Department.

He began his public service career with the Department of Justice, where he was a prosecutor. I got to know him when he came to the Energy and Commerce Committee as my general counsel on the Oversight and Investigations Subcommittee back in 1995. He went into private practice for a time. Then, when I became the chairman of the committee 3½ years ago, I asked him to be the majority chief of staff; and he has performed those duties in outstanding fashion. He has performed the duties of the minority chief of staff in an outstanding fashion. He will be leaving us to go to the Department of Energy.

I simply wanted to wish him the very best and tell him that he has many, many friends on both sides of the aisle in the House of Representatives. We fully expect him to comply with every Dingellgram and every letter of request for information and witness appearance list for the Department of Energy, which he will shortly be receiving in his new duties as Under Secretary.

Mr. DINGELL. Would the gentleman yield?

Mr. BARTON of Texas. I yield to the distinguished chairman of the full committee, Mr. DINGELL.

Mr. DINGELL. I want to thank my distinguished friend from Texas (Mr. BARTON) for all the good work that he does. I want to express my affection and respect for him. I want to thank him for raising the question about the departure of Mr. Albright.

Mr. Albright has served the committee with distinction. He has been a friend to all of us. He has been a wise counselor. He will be an extraordinarily fine public servant when he moves to the Department of Energy.

He will be missed here. He carries with him the affection, the respect and the good wishes of all of us. I wish to have him know of my friendship, affection and respect for him.

Mr. BARTON of Texas. I yield to my friend from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I thank the gentleman for yielding.

I want to associate myself with the comments of the chairman of our committee, Mr. DINGELL. Mr. Albright has performed a tremendous public service in the years that he has served as staff director on the Republican side of the committee, both in the majority and now in the minority.

He now embarks on another phase of his career, and I am pleased to note will be continuing in public service. I know he will do a fine job. We are going to miss him, and I join with the other Members in wishing him well.

Mr. BARTON of Texas. I ask for a ''no'' vote on the amendment and yield back the balance of my time.

Mr. HODES. Mr. Chairman, may I inquire as to my remaining time?

The Acting CHAIRMAN. The gentleman from New Hampshire has 2½ minutes.

Mr. HODES. Mr. Chairman, I yield 30 seconds to my distinguished colleague, Mr. WOLF of Virginia.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Arcuri amendment.

This amendment simply authorizes the use of State eminent domain authority rather than Federal eminent domain.

For those on our side, referencing for our side, this is, this is a States' rights amendment. I urge Members on my side to support the Arcuri amendment.

I want to say congratulations to Mr. Albright.

Mr. Chairman, this amendment simply authorizes the use of State eminent domain authority rather than Federal eminent domain authority when siting federally approved transmission lines.

This amendment is vital to the protection of the landscapes in my district by recognizing State and local conservation easements and designations. In the 10th District of Virginia, which I represent, these designations protect the lands that George Washington surveyed, that inspired Thomas Jefferson, and that Chief Justice John Marshall farmed.

Millions of Federal, State, local and private funds have been used to preserve and protect the lands now threatened by the designation of a National Interest Electric Transmission Corridor which authorized the Federal Government to override state transmission siting authority.

We must give these lands this limited protection. I urge you to support this commonsense amendment to protect our private citizens and our national treasures.

Mr. HODES. Mr. Chairman, it is interesting that this noncontroversial amendment for a study is opposed. Since 2005, although the program has been authorized, no money has been appropriated. It is an effective, efficient use of resources to embark on a study with results to be delivered to us in 120 days, so Congress knows how best to implement the provisions of the program already authorized and how much it will cost. We will then be in a position to make educated determinations about how much money to appropriate for this very important program.

I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. BARTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–300.

Mr. BARTON of Texas. Mr. Chairman, as the designee of Mr. MURPHY of Pennsylvania, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. BARTON:

In section 9502(a), insert ''improvements in data on solid byproducts from coal-based energy-producing facilities,'' after ''oil and gas data,''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, this amendment would modify section 9502(a) of H.R. 3221 to ensure that the Energy Information Administration restores its previously terminated collection of data on solid byproducts from coal-based energy producing facilities and makes improvements on these data.

I don't think it's controversial, and I would ask its adoption.

Mr. BOUCHER. Would the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

A major purpose of our provisions in subtitle F of title IX is to provide that the Energy Information Administration begin collecting again important data that it once collected but discontinued collection of under budget or personnel constraints, and data on solid byproducts of coal use fell into that category.

Mr. MURPHY's amendment would simply require that this data on solid byproducts of coal use once again be corrected. We support it and urge that amendment be adopted.

Mr. BARTON of Texas. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

□ 1500

AMENDMENT NO. 12 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIRMAN (Mr. SERRANO). It is now in order to consider amendment No. 12 printed in part B of House Report 110–300.

Mr. MURPHY of Connecticut. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. MURPHY of Connecticut:

In title IX, insert the following at the end of part 1 of subtitle B and make the necessary conforming amendments in the table of contents:

SEC. 9119. PUBLIC MEETINGS FOR CERTAIN FERC ACTIONS.

(a) IN GENERAL.—Before issuing a permit, license, or other authorization under part I of the Federal Power Act for any action that may affect land use in any locality, the Federal Energy Regulatory Commission shall hold a public meeting in that locality regarding such permit, license or other authorization if such a meeting is requested by 5 or more individuals or an organization representing 30 or more individuals. The meeting shall be held before the end of any period for public comment under Commission rules. Not more than one public meeting need be held with respect to a single permit, license or other authorization

(b) MULTIPLE AREAS.—In the case of a facility that affects multiple areas, the meeting shall be held in a statistical metropolitan area at a location reasonably central to the affected areas.

(c) MOTIONS TO RECONSIDER.—The Commission shall hold such a meeting whenever a request for reconsideration is granted if the request was filed before the enactment of this section and the Commission did not hold a hearing prior to issuing the permit, license, or other authorization concerned.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, I am pleased to offer an amendment to H.R. 3221, to require the Federal Energy Regulatory Commission, or better known as FERC, to hold public local meetings before issuing permits or authorizations that will affect land use decisions, if that meeting is requested by local citizens.

While FERC is required to have an open comment period before they issue a rule, there is currently no mechanism right now to require that they hold a public local hearing in an affected locality.

I bring this issue to the floor today, Mr. Chairman, because my constituents who live in the community surrounding Candlewood Lake in Connecticut were unable to secure a public hearing from FERC to air their concerns regarding a shoreline management plan that would impose new hefty fees on the residents that surround that lake and enjoy that lake.

This amendment is based on a simple premise: Public policymakers cannot and should not, frankly, act without the input of citizens who will be affected by the decisions that they make.

As legislators, we know we can't simply sample public opinion by sitting in our offices here in Washington and reading the mail that may come in. We need to go back to our districts and solicit opinion there. A regulatory agency should be held to the same standard, especially in relation to hydropower assets, around which many citizens reside.

My amendment is a commonsense solution to the problem that any of us could face. It does nothing to alter or constrain the decisions that FERC may ultimately make; it just ensures the commission would hear all sides before making any determination on land use issues and ensures that our constituents' voices are heard.

Mr. Chairman, I understand that this issue may need more time for the committee.

I would be happy to yield to the chairman for a short colloquy.

Mr. BOUCHER. I want to thank the gentleman for yielding, and I commend him for bringing this matter before the committee today. It is my understanding that he intends to ask that his amendment be withdrawn momentarily.

Let me give assurance to the gentleman that we are sensitive to the valid concerns that he has raised about the need to have public participation in the processes of the Federal Energy Regulatory Commission; and I want to pledge to him that we will work with him and with the FERC to ensure that his constituents are heard with regard to matters that affect them.

I thank the gentleman for yielding and commend him on bringing this concern before the House.

Mr. MURPHY of Connecticut. I thank the chairman.

Mr. Chairman, my intention is to withdraw this amendment. I look forward also to working with my colleagues on the greater issue of making sure that, in all cases, our constituents' voices are heard when these decisions are handed down. As we move more control over Federal power assets from States to the Federal Government, it seems that we should still have safeguards in place to make sure that local citizens' issues and concerns are taken into consideration by FERC, and I plan to continue my advocacy of that cause.

I ask unanimous consent to have the amendment withdrawn at this point.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 13 OFFERED BY MR. SALI

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 110–300.

Mr. SALI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SALI:

In title IX, add at the end the following new subtitle:

Subtitle G—Large and Small Scale Hydropower

SEC. 9601. SENSE OF CONGRESS.

Congress recognizes and supports renewable energy. Specifically, the clean, consistent, pollution free large and small scale conventional hydropower energy.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Idaho (Mr. SALI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. SALI. Mr. Chairman, I rise today to offer an amendment to this energy bill.

Let me start out by saying bluntly that I feel that this energy bill is a step backward with virtually every topic that it covers.

With that being said, I do want to bring to light an issue that I feel this bill does not cover and that issue is hydropower. My amendment is simple. It expresses the sense of Congress recognizing and supporting renewable energy; specifically, it will add clean, consistent, pollution free, large and small scale conventional hydropower to this bill.

My amendment is a sense of Congress supporting hydropower. If we are going to discuss renewable energy, then we need to include hydropower. It is clean, renewable, consistent, and, most importantly, pollution free. Hydropower works all the time and should be a part of this bill because hydropower in America produces no greenhouse gas emissions. In fact, hydropower offsets more carbon emissions than all other renewable energy resources combined. Let me say that again: hydropower offsets more carbon emissions than all other renewable energy resources combined.

We have heard a lot about greenhouse gas emissions. Mr. Chairman, if we are serious about reducing greenhouse gas emissions, than we need to recognize hydropower produces zero greenhouse gas emissions. Last year alone, we avoided some 160 million tons of carbon emissions by the use of hydropower here in the United States.

I am from the Pacific Northwest, from Idaho. We are truly blessed to have more than 60 percent of the power in the Pacific Northwest come from hydropower. In fact, there is so much power produced in the Northwest from hydropower that we often sell our excess supply to areas such as Southern California, where they historically have a shortage at certain times of the year.

I feel strongly that Congress needs to support conventional hydropower, and that is why I am offering this amendment today.

In closing, I want to remind my colleagues on both sides of the aisle that hydropower is emission free, completely renewable, clean, and domestic. That is right, it is domestic. I would urge my colleagues to vote ''yes'' on this Sali amendment.

Mr. Chairman, may I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman has 2½ minutes left.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. SALI. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding, and I commend him on this amendment that would simply express the sense of the Congress, recognizing the benefits of both large-scale and small-scale hydroelectric projects. We accept the amendment and urge its adoption.

I thank the gentleman for yielding.

Mr. SALI. Mr. Chairman, I thank the gentleman for accepting the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SALI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SALI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in part B of House Report 110–300.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WELCH of Vermont:

In part IV of subtitle A of title IX, add at the end the following new section:

SEC. 9077. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting

after section 399 (42 U.S.C. 371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall award not more than 100 grants per year to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

''(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

''(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

''(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

''(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—The Secretary shall award not more than 250 grants per year to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

''(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

''(A) involve—

''(i) an innovative technology that is not yet commercially available; or

''(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

''(B) have the greatest potential for testing or demonstrating new technologies or processes; and

''(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

''(d) AWARDING OF GRANTS.—

''(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

''(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

''(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, at the outset I want to thank the dean of the House, Mr. DINGELL. Last night I needed his help, and he gave it to me to help make this amendment in order. He told me a story, and it was a simple story: If you have a chance to help somebody, take it. And it is a good lesson to live by. Although, he didn't say he was for the amendment, I hope he finds the content of the amendment okay as well as being in order. And I want to thank his staff for the tremendous work they have done.

This amendment is very simple, Mr. Chairman. It establishes or authorizes the Federal fund to support energy sustainability and energy efficiency projects on colleges and universities campuses through grants, authorizes but doesn't appropriate.

Public institutions are playing a major role in this energy debate. They lead by example. Giving them the possibility of having funds to actually implement programs would be a very good thing.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman from Virginia.

Mr. BOUCHER. I want to thank the gentleman from Vermont for yielding and commend him on bringing this amendment before the committee. It would establish a grant program for colleges and universities to invest in sustainable and efficient energy projects. I think this is a step forward for energy policy and I would encourage adoption of the amendment. I thank the gentleman for yielding.

Mr. WELCH of Vermont. I thank the gentleman.

I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the gentleman from Vermont for his thoughtful amendment, and I thank Chairman DINGELL as well for helping him, and the chairman of the subcommittee, Mr. BOUCHER, and all of our Members for dialoguing on this very crucial issue.

I happen to represent the University of Houston that has brought a wind research project to Houston, a $24 million project, and I know that Texas has enormous amount of commitment to wind.

This research grant program will help other universities look at issues such as fossil fuel and the efficiency of it, refineries and the efficiency of it, exploration and the efficiency of it in other places other than public lands. So I am here to support this amendment and as well to support the underlying energy bill, H.R. 3221.

I thank the gentleman, Mr. WELCH. Universities around America will look forward to this grant program, including Texas Southern University and many other universities that we have in my district.

Mr. Chairman, first and foremost, I think it is imperative that we all agree on the vital importance of America achieving energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

Although I must admit that I do have reservations about certain aspects of this bill, I nevertheless support it as a step in the right direction of America achieving energy independence. H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act is important and multifaceted legislation which will make substantial strides towards energy independence and security for our Nation, while also encouraging the development of innovative new technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to clean and renewable energy, and modernizing our energy infrastructure.

I would like to begin by commending the Speaker of the House, Ms. PELOSI, for her leadership in introducing this legislation and bringing it to the floor. The bill we have before us today represents the work of eleven House committees, and it fulfills the Democrats' promise to bring a comprehensive new direction to the people of the United States.

In addition to being from the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My Energy Braintrusts were designed to be a call of action to all of the sectors who comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic

which can ultimately result in reforming our energy industry to the extent that we as a Nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis. That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that we involve small, minority and women owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

This bill contains numerous important provisions. It represents a major national investment in renewable energy that has the potential to create 3 million ''green'' jobs. Further, it provides training opportunities for American workers, particularly our disadvantaged groups and our brave veterans, to fill these new positions. It gives small businesses the tools they need to be more energy efficient, including technical assistance. It encourages research and innovation into new energy technology, including biofuels, carbon capture, and solar energy. It encourages mass transit and alternative fuels, it protects Federal lands and wildlife, and it promotes the efficient use of energy.

However, I am concerned that H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007, contains provisions repealing tax incentives for oil and gas companies which may have a negative effect on access to important sources of energy. In particular, I am concerned that the domestic manufacturing deduction, Section 199 of H.R. 2776, could discourage new domestic oil and natural gas investment by making these investments comparatively less competitive than competing foreign investments. Moving forward, I think it would be prudent for this Congress to consider linking an increase on taxes with an increase in access to domestic exploration of available sources of energy, such as the Gulf Coast.

According to the U.S. Minerals Management Service (MMS), America's deep seas on the Outer Continental Shelf (OCS) contain 420 trillion cubic feet of natural gas (the U.S. consumes 23 TCF per year) and 86 billion barrels of oil (the U.S. imports 4.5 billion per year). Even with all these energy resources, the U.S. sends more than $300 billion (and countless American jobs) overseas every year for energy we can create at home. I believe that we should mandate environmentally safe and efficient exploration techniques in the Gulf Coast which energy companies have demonstrated a willingness and capacity to utilize. By ensuring access to increasing sources of energy in an environmentally conscious way, I believe we can decrease our dependence on foreign oil.

This bill also contains a crucial international component. Global climate change is a truly global problem. It is real; it is imminent; and it is our responsibility to work with the rest of the international community to develop a coordinated global response to this potentially devastating phenomenon. This legislation calls for the United States to re-engage and lead international efforts to reach an agreement requiring binding emissions reduction commitments from all major emitters, including China, India, and Brazil. A truly monumental diplomatic effort is needed to begin to arrest the catastrophic effects of climate change, and this bill is an important step toward beginning global negotiations to establish a coordinated response.

Mr. Chairman, I was pleased to work with the Chairman of the Committee on Foreign Affairs to incorporate important language in this legislation to ensure that its provisions and benefits are available to some of our nation's disadvantaged populations. My language, seen in Section 2102 of H.R. 3221, guarantees that Historically Black Colleges and Universities, Hispanic Serving Institutions, Tribal Colleges and Universities, and other Minority Serving Institutions are able to participate in the visits and exchanges between scientific researchers of the United States and other nations provided for in this bill. My amendment would also seek to include minority- and women-owned businesses in these exchange programs.

Additionally, I worked with the Chairman and the Committee to include language that global climate change negotiations would address the perspectives and concerns of indigenous and tribal populations, who often bear the brunt of climate change but have traditionally been neglected in the negotiation process.

Furthermore, I support innovative solutions to our national energy crisis such as my legislation which alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology.

The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf.

Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the $180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks and municipal solid wastes, which are available throughout our nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions.

I also commend my colleague from Vermont, Mr. WELCH, for his amendment which would establish a grant program for colleges and universities to invest in sustainable and efficient energy projects. I commend the University of Houston, which led the Lone Star Wind Alliance succeed in bringing one of the Department of Energy's large turbine-testing facilities to the Texas Gulf Coast. This major step forward in developing clean, renewable wind energy will result in the University of Houston directing a $24 million world-class research and test facility in Texas. This will ensure that Texas becomes a global leader in wind energy technology, which will be assisted by pledges from the Lone Star Wind Alliance of $18 million, by the Texas Legislature of $5 million, and $2 million from the Department of Energy.

Mr. Chairman, this comprehensive legislation addresses the full range of concerns raised by global climate change. It offers wide-ranging solutions to the serious problems we, as a Nation and as an international community, face. It demonstrates the ongoing commitment of this Democratic Congress to address these important issues, and to provide tangible and beneficial solutions.

I urge my colleagues to be balanced and prudent in their approach in addressing our energy needs. By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Mr. BARTON of Texas. Mr. Chairman, I rise in doubt about the amendment. I would like to engage the author in a colloquy.

The Acting CHAIRMAN. Does the gentleman rise in opposition?

Mr. BARTON of Texas. I guess for the time being I am in mild opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. And I may not be in opposition. I want to ask the distinguished author: these grants that would be established if the program were to be established, would they be granted on a competitive basis?

Mr. WELCH of Vermont. Yes, they will.

Mr. BARTON of Texas. So this is not specified certain institutions?

Mr. WELCH of Vermont. No, it is not.

Mr. BARTON of Texas. It would be an open process with criteria, and all comers would get to submit an application and then a merit-based review of those applications?

Mr. WELCH of Vermont. That is correct.

Mr. BARTON of Texas. With that understanding, I would support the amendment.

I yield 2 minutes to my good friend from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I would yield to the desires of our ranking member on the amendment.

Mr. Chairman, the underlying bill of that amendment offers us clear choices on the environment. It lays before us the kind of choices, the kind of development we should support. My Republican colleagues and I believe that we should support and expand our domestic energy supply.

This picture is a picture of American energy. This offshore rig produces between 100,000 and 150,000 barrels of oil a day from America's Outer Continental Shelf. The production is clean, with a limited impact on the surrounding ocean. The impact it has causes the creation of a new column of ocean life on the legs of the platform.

During Katrina, these did not spill one drop of oil, not one drop, in one of the worst hurricanes in American history. I believe that this clean development is what we should produce more of. That is why I am going to vote for this bill.

Many of our friends see life differently. They are going to say that this is not the way to produce. To quote my friend from New York, ''Let us import as much energy as we possibly can.''

Now, I have traveled overseas and I have looked at oil production overseas. When they say, let's import as much as we can, some of that production comes from places like this, with absolutely no environmental standards. And we are going to export our problems, export the environmental contamination from this country to others, all in the guise of making ourselves energy independent.

Many in the majority of Congress is going to vote today, and I would recommend that we very carefully think about the problems that we are going to export and think about that tremendous energy industry that has developed here and is a model for the rest of the world.

I thank the ranking member for yielding time and thank the chairman, and appreciate the opportunity to speak.

□ 1515

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Chairman, I yield back the balance of my time

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mrs. TAUSCHER) assumed the chair.

ENROLLED BILL SIGNED

Ms. Lorraine Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

The SPEAKER pro tempore. The Committee will resume its sitting.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

The Committee resumed its sitting.

AMENDMENT NO. 15 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 110–300.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. CASTLE:

In title VII, at the end of subtitle F add the following:

SEC. ___. REPORT ON STATUS OF REGULATIONS WITH RESPECT TO WIND ENERGY PROJECTS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Minerals Management Service, shall submit a report to Congress on the status of regulations required to be issued under section 8(p)(8)) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(8)) with respect to the production of wind energy on the Outer Continental Shelf.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join my colleague, Mr. DELAHUNT, in offering this amendment today.

The 2005 energy law required Minerals Management Service, MMS, under the Department of the Interior, to develop regulations for offshore wind development within 270 days. It is now 6 months past the deadline, and it appears we will keep waiting. The delay causes regulatory uncertainty and potential setbacks for pursuing the development of this renewable energy source.

Our amendment to H.R. 3221 would require MMS to report to Congress within 30 days on the status of these regulations. We need to know the reason for the delay and what can be done to move things along so communities wishing to invest in this clean, renewable technology can move forward. This is of critical importance to the State of Delaware, which has not only agreed to produce 20 percent of its electricity from renewable sources by 2020 but has made a strong commitment to offshore wind resources as a component of its energy portfolio.

Wind power is one of the fastest-growing sources of energy and contributes economically and environmentally to America's energy future. Electricity from wind is inflation proof and is not subject to the price volatility of traditional sources. With growing concern over climate change, wind power offers emission-free energy that will diversify our energy supply domestically, while easing demand for polluting and imported fossil fuels.

For Delaware and many other coastal States, our best wind resource lies not inland but just off our shores. I look forward to learning from and working with the various agencies to make sure our renewable energy resources are developed in a timely and environmentally friendly manner so States like Delaware that have signaled it is time to move forward can do so.

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

Mr. BARTON of Texas. Mr. Chairman, I rise to claim the time in opposition to the amendment simply to ask some questions, though I will not be in opposition at the end.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gracious gentleman from Texas for yielding.

I rise to support this amendment.

As the gentleman from Delaware indicated, 2 years ago Congress authorized the development of renewable energy from wind and wave and tidal sources in Federal waters, and the Department of the Interior was instructed to establish a program in a uniform set of standards. This initiative was based on the successful example of European countries that are now developing thousands of megawatts of clean, renewable energy from their coastal waters.

In Germany, the United Kingdom and Spain, efforts are well under way to identify offshore renewable energy sites with clear standards to protect the environment, wildlife and mariners and to provide companies with a set of guidelines to develop these areas.

With respect to offshore wind energy, Germany has already zoned much of the North Sea to tap into 25,000 megawatts of energy in the next 20 years. Most of these projects are in deep water, far offshore, and using technologies that create thousands of jobs.

Here in the United States, our coastal waters have the potential to generate close to 900,000 megawatts of energy, and much of this is also in deep water. That is an amount that is close to today's electric capacity for the entire Nation. We have the technology, the capital, and the skilled labor to develop a significant amount of this energy. We could become the Saudi Arabia of wind.

However, what we lack is the Interior Department's program. After 2 years, we don't even have a draft set of guidelines.

There are reports that the Interior Department in this initiative is underfunded, that the studies we have called for have not been done, and that the dedicated staff is overworked. We needed to step in now and do what we can to help this effort succeed.

This amendment will help accomplish that goal. I commend my friend and colleague from Delaware, and I urge its adoption.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman for questions he may have.

Mr. BARTON of Texas. I just want to ask the two authors a few questions.

Is there anything in this amendment that might have the unintended effect of slowing the process down even further of getting these regulations in place?

Mr. CASTLE. Mr. Chairman, if there is anything in this amendment that I thought would slow down that process further, I would pull the amendment in a minute.

The whole idea of this amendment is to compel them to look at what they are doing, give us a report, and move forward with it. It is in no way intended, directly or indirectly, to slow anything down. It is an effort to get it done. I think we both strongly believe in the wind energy circumstance.

Mr. BARTON of Texas. Is there anything in the amendment that could be construed to be a roadblock for any specific existing project that has not yet been permitted?

Mr. CASTLE. To the best of my knowledge, absolutely not. We have made the amendment very plain, very clear, so there could not be a roadblock and could not be a slow-down circumstance.

Mr. BARTON of Texas. Mr. Chairman, with that understanding, I support the amendment.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Delaware for yielding, and I want to commend him as well as the gentleman from Massachusetts for bringing this matter before the House.

I think it is appropriate to move along the process of having regulations issued with regard to offshore wind energy, and we support this amendment and would urge its adoption.

Mr. CASTLE. Reclaiming my time, Mr. Chairman, I thank the gentleman from Virginia; and I appreciate his support as well. I very much appreciate the support of the gentleman from Massachusetts, who has been very involved with this.

I encourage support of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. WU

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in part B of House Report 110–300.

Mr. WU. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. WU:

In subtitle E of title IV, add at the end the following new section:

SEC. 4417. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant program, in a geographically diverse manner, for projects submitted for consideration by institutions of higher education to conduct research and development of renewable energy technologies. Each grant made shall not exceed $2,000,000.

(b) ELIGIBILITY.—Priority shall be given to institutions of higher education with—

(1) established programs of research in renewable energy;

(2) locations that are low income or outside of an urbanized area;

(3) a joint venture with an Indian tribe; and

(4) proximity to trees dying of disease or insect infestation as a source of woody biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out this section.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning as defined in section 126(c) of the Energy Policy Act of 2005.

(2) INSTITUTIONS OF HIGHER EDUCATION.—The term ''institutions of higher education'' has the meaning as defined in section 102(a) of the Higher Education Act of 1965.

(3) RENEWABLE ENERGY.—The term ''renewable energy'' has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(4) URBANIZED AREA.—The term ''urbanized area'' has the mean as defined by the U.S. Bureau of the Census.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

I offer an amendment to invest further in renewable energy by creating a university based research program for biomass energy research. The amendment authorizes funds for competitive grants to support research at institutions of higher education to use trees killed by disease or insect infestation for biomass energy.

Priority will be given to research institutions in low-income or rural communities, those that already conduct research in this field, institutions which can enter joint ventures with Indian tribes and those institutions located near forests killed by massive disease or insect infestation.

Mr. Chairman, we must capitalize on America's universities for research and renewable energy. My amendment will harness universities as a resource to advance our renewable energy portfolio.

The amendment also ensures grants will be distributed throughout the United States. If fully funded, at least a dozen universities could be selected from the pool of university applicants.

In the Pacific Northwest, the unfortunate incidence of disease and insect infestation in our forests can be mitigated by turning dead trees into renewable energy. By targeting universities in rural and low-income communities, we create needed jobs and help develop those jobs in communities which frequently have felt neglected in our pursuit of pro-environmental causes.

Dead trees can be an opportunity to create clean, renewable energy, generate jobs and protect our healthy forests by using our dead and dying ones for biomass energy. I urge my colleagues to support this research program.

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

Mr. HALL of Texas. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I have more problems with the amendment than I do with the author, and maybe the author and I can talk here and then get together and work some things out.

Actually, my problems with it is that we are told that it amends the biofuels subtitle and creates a university based research and development competitive grant program in a geographically diverse manner. That's a pretty long sentence there for me to try to figure out exactly what it means. But as I go down through it and see, in awarding the grants, it says that ''priority should be given to institutions of higher education with all of the following.'' I want to point out these ''following,'' and I know that the author is probably going to be able to explain them to me.

But I remember one time in the Texas Senate when we had a man stand up and he was trying to pass a bill as to where all the voting machines had to be constructed, and they all had to be constructed in a county in Texas, and he described the county as being in excess of 20,000 but not in excess of 20,003, and his county had 20,002 in it.

Now, I don't know if your labeling of these narrows it down to one institution or two institutions. I know there aren't any in Texas, because we don't have any Indians in Texas. But could you give me a little explanation on that?

Mr. WU. Mr. Chairman, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, there are at least several institutions that I know of in the Pacific Northwest that would qualify; and I suspect that if a fine research institution in Texas were to team up, say, with an Indian tribe in New Mexico or Oklahoma, I am sure that many institutions in Texas would also qualify under these criteria.

I would further like to point out that, unlike other grant programs which specify a handful of States which are to be given priority, this amendment does not do that. It is designed to be open to schools from all 50 States.

Mr. HALL of Texas. Do you mind if I just lay out what is in the bill? It says it has to be an established program of research and renewable energy. That's fine.

Locations that are low income or outside of an urbanized area, I guess that's okay.

A joint venture with an Indian tribe, that's where you start to lose me.

In proximity to trees dying of disease or insect infestation as a source of woody biomass, that one really does get to me. I just don't know how much biomass is adjacent to any of the universities, particularly any of the universities in my area, certainly not in my district.

And the amendment authorizes $25 million with no fiscal year designation. And a little bit further, it is unclear from the all-inclusive list of how many colleges and universities would be eligible to receive these grants under this section.

If you could just explain a few of those and tell me you would work with me before we get to the front gate, I would be glad to listen.

Mr. WU. Mr. Chairman, will the gentleman yield?

Mr. HALL of Texas. I do yield, sir.

Mr. WU. Mr. Chairman, it is my recollection that Lyndon Johnson paid a great deal of attention to trees in Texas and their positive and detrimental nature at times. It has come to my attention, through my public and private activities in the Pacific Northwest, that we have a tremendous number of trees, some of which are dying of disease and insect infestation, and those trees become a threat to our healthy forests.

□ 1530

It was the intent of this author to try to have a win-win by generating energy from dead and dying trees which are otherwise a threat to the healthy forests which remain.

Mr. HALL of Texas. The amendment, while in the biofuels subtitle, does not direct colleges and universities to conduct research and development into biofuels specifically. Is that right?

Mr. WU. If the gentleman would yield.

Mr. HALL of Texas. If the gentleman will work with me from this point forward, we will withdraw our opposition to it, Mr. Chairman.

Mr. WU. I thank the gentleman.

Mr. HALL of Texas. I yield back the balance of my time.

Mr. WU. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MS. GIFFORDS

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in part B of House Report 110–300.

Ms. GIFFORDS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. GIFFORDS:

In subtitle D of title IV, before section 4301, insert the following:

PART 1—RESEARCH AND ADVANCEMENT

In section 4302, strike ''subtitle'' and insert ''part''.

At the end of subtitle D of title IV, add the following new part:

PART 2—DEVELOPMENT AND USE OF SOLAR ENERGY PRODUCTS

SEC. 4311. DEFINITIONS.

For purposes of this part:

(1) The term ''Board'' means the Solar Energy Industries Research and Promotion Board established under section 4312(b)(1).

(2) The term ''Committee'' means the Solar Energy Research and Promotion Operating Committee established under section 4312(b)(4).

(3) The term ''Department'' means the Department of Energy.

(4) The term ''importer'' means any person who imports solar energy products from outside the United States.

(5) The term ''order'' means a solar energy product research and promotion order issued under section 4312.

(6) The term ''promotion'' means any action to advance the image and desirability of solar energy products with the express intent of improving the competitive position and stimulating sales of solar energy products in the marketplace.

(7) The term ''Secretary'' means the Secretary of Energy.

(8) The term ''solar energy products'' means solar water heating components and systems and photovoltaic components and systems.

SEC. 4312. SOLAR RESEARCH AND INFORMATION PROGRAM.

(a) ISSUANCE OF ORDERS.—

(1) PROPOSED ORDER.—Not later than 30 days after receipt of a proposal for a solar energy product research and promotion order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment on such proposed order. Such proposal may be submitted by any organization meeting the requirements for certification under section 4313 or any interested person, including the Secretary.

(2) FINAL ORDER.—After notice and opportunity for public comment are given, as provided for in paragraph (1), the Secretary shall issue a solar energy product research and promotion order. The order shall become effective not later than 120 days after publication of the proposed order.

(b) REQUIRED TERMS IN ORDERS.—An order issued under subsection (a) shall contain the following terms and conditions:

(1) The order shall provide for the establishment and selection of a Solar Energy Industries Research and Promotion Board. In addition to nonpermanent members of the Board, there shall be two permanent members of the Board, a representative chosen by the Secretary and a representative chosen by one of the organizations certified under section 4313. Nonpermanent members of the Board shall be solar energy products producers and importers appointed by the Secretary from—

(A) nominations submitted by eligible organizations certified under section 4313; and

(B) nominations submitted by importers under such procedures as the Secretary determines appropriate.

The Secretary shall ensure adequate representation of all geographic regions of the United States on the Board.

(2) The order shall define the powers and duties of the Board, which shall be exercised at an annual meeting, and shall include only the following powers:

(A) To administer the order in accordance with its terms and provisions.

(B) To make rules and regulations to effectuate the terms and provisions of the order.

(C) To elect members of the Board to serve on the Committee.

(D) To approve or disapprove budgets submitted by the Committee.

(E) To receive, investigate, and report to the Secretary complaints of violations of the order.

(F) To recommend to the Secretary amendments to the order. In addition, the order shall determine the circumstances under which special meetings of the Board may be held.

(3) The order shall provide that the term of appointment for nonpermanent members of the Board shall be 3 years with no nonpermanent member serving more than 2 consecutive terms, except that initial appointments shall be proportionately for 1-year, 2-year, and 3-year terms; and that Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board.

(4)(A) The order shall provide that the Board shall elect from its membership 10 members to serve on the Solar Energy Research and Promotion Operating Committee.

(B) The Committee shall develop plans or projects of research, information, and promotion which shall be paid for with assessments collected by the Board. In developing plans or projects, the Committee shall, to the extent practicable, ensure that all segments of the solar industry receive fair treatment under this part based upon contributions made under paragraph (8).

(C) The Committee shall be responsible for developing and submitting to the Board, for its approval, budgets on a fiscal year basis of its anticipated expenses and disbursements, including probable costs of research, promotion, and information projects. The Board shall approve or disapprove such budgets and, if approved, shall submit such budget to the Secretary for the Secretary's approval.

(D) The total costs of collection of assessments and administrative staff incurred by the Board during any fiscal year shall not exceed 5 percent of the projected total assessments to be collected by the Board for such fiscal year. The Board shall use, to the extent possible, the resources, staffs, and facilities of existing organizations.

(5) The order shall provide that terms of appointment to the Committee shall be 1 year, and that no person may serve on the Committee for more than 6 consecutive terms. Committee members shall serve without compensation, but shall be reimbursed

for their reasonable expenses incurred in performing their duties as members of the Committee. The Committee may utilize the resources, staffs, and facilities of the Board and industry organizations. An employee of an industry organization may not receive compensation for work performed for the Committee, but shall be reimbursed from assessments collected by the Board for reasonable expenses incurred in performing such work.

(6) The order shall provide that, to ensure coordination and efficient use of funds, the Committee shall enter into contracts or agreements for implementing and carrying out the activities authorized by this part with established national nonprofit industry-governed organizations to implement programs of research, promotion, and information. In any fiscal year, the total assessments available for spending for this program (including administrative expenses under paragraph (4)(D)) shall not exceed 50 percent of the projected total assessments for that year. Any such contract or agreement shall provide that—

(A) the person entering the contract or agreement shall develop and submit to the Committee a plan or project together with a budget or budgets that shows estimated costs to be incurred for the plan or project;

(B) the plan or project shall become effective on the approval of the Secretary; and

(C) the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Committee of activities conducted, and such other reports as the Secretary, the Board, or the Committee may require.

(7) The order shall require the Board and the Committee to—

(A) maintain such books and records, which shall be available to the Secretary for inspection and audit, as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to them.

(8)(A) The order shall provide that each manufacturer of a solar energy product shall collect an assessment and pay the assessment to the Board.

(B) The order also shall provide that each importer of solar energy products shall pay an assessment, in the manner prescribed by the order, to the Board.

(C) The assessments shall be used for payment of the costs of plans and projects, as provided for in paragraph (4), and expenses in administering the order, including more administrative costs incurred by the Secretary after the order has been promulgated under this part, and to establish a reasonable reserve. The rate of assessment prescribed by the order shall be determined by the Secretary in consultation with the Solar Energy Industry Association.

(9) The order shall provide that the Board, with the approval of the Secretary, may invest, pending disbursement, funds collected through assessments only in obligations of the United States or any agency thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(10) The order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing governmental action or policy, with the exception of recommending amendments to the order.

(11)(A) The order shall require that each manufacturer or importer making payment to the Board maintain and make available for inspection such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. Such information shall be made available to the Secretary as is appropriate to the administration or enforcement of this part. All information so obtained shall be kept confidential by all officers and employees of the Department, and only such information so obtained as the Secretary deems relevant may be disclosed by them and then only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order. Nothing in this paragraph may be deemed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of entities subject to the order or statistical data collected therefrom, which statements do not identify the information furnished by an person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

(B) No information obtained under the authority of this part may be made available to any agency or officer of the United States for any purpose other than the implementation of this part and any investigatory or enforcement act necessary for the implementation of this part. Any person violating the provisions of this paragraph shall be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, and if an officer or employee of the Board or the Department, shall be removed from office.

(12) The order shall contain terms and conditions, not inconsistent with the provisions of this part, as necessary to effectuate the provisions of the order.

SEC. 4313. CERTIFICATION OF ORGANIZATIONS TO NOMINATE.

(a) ELIGIBILITY.—The eligibility of any national, regional, or State organization to represent manufacturers and to participate in the making of nominations under section 4312(b) shall be certified by the Secretary. The Secretary shall certify any organization that the Secretary determines meets the eligibility criteria established under subsection (b), and such determination as to eligibility shall be final.

(b) CRITERIA.—An organization may be certified as described in subsection (a) if such organization meets all of the following eligibility criteria:

(1) The organization represents a majority of manufacturers of solar energy products in the Nation.

(2) The organization has a history of stability and permanency.

(3) A primary purpose of the organization is to promote the economic welfare of the solar energy products industry.

(c) BASIS FOR CERTIFICATION.—Certification of an organization shall be based upon a factual report submitted by the organization.

SEC. 4314. REFERENDUM.

(a) INITIAL REFERENDUM.—For the purpose of determining whether the initial order shall be continued, not later than 48 months after the issuance of the order (or any earlier date recommended by the Board), the Secretary shall conduct a referendum among persons who have been manufacturers or importers of solar energy products during a representative period, as determined by the Secretary. The order shall be continued only if the Secretary determines that it has been approved by not less than a majority of the manufacturers voting in the referendum who, during a representative period as determined by the Secretary, have been engaged in the manufacturing of solar energy products. If continuation of the order is not approved by a majority voting in the referendum, the Secretary shall terminate the collection of assessments under the order within 6 months after the Secretary determines that continuation of the order is not favored by a majority voting in the referendum, and shall terminate the order in an orderly manner as soon as practicable after such determination.

(b) SUBSEQUENT REFERENDA.—After the initial referendum, the Secretary may conduct a referendum on the request of a representative group comprising 25 percent or more of the number of manufacturers of solar energy products to determine whether manufacturers favor the termination or suspension of the order. The Secretary shall suspend or terminate collection of assessments under the order within 6 months after the Secretary determines that suspension or termination of the order is favored by a majority of the manufacturers voting in the referendum who, during a representative period as determined by the Secretary, have been engaged in the manufacture of solar energy products, and shall terminate or suspend the order in an orderly manner as soon as practicable after such determination.

(c) PROCEDURES.—The Department shall be reimbursed from assessments collected by the Board for any expenses incurred by the Department in connection with conducting any referendum under this section, except for the salaries of Government employees. Any referendum conducted under this section shall be conducted on a date established by the Secretary, whereby manufacturers shall certify that they were engaged in the production of solar energy products during the representative period and, on the same day, shall be provided an opportunity to vote in the referendum.

SEC. 4315. REFUNDS.

(a) IN GENERAL.—During the period prior to the approval of the continuation of an order pursuant to the referendum required under section 4314(a), subject to subsection (f) of this section, the Board shall—

(1) establish an escrow account to be used for assessment refunds;

(2) place funds in such account in accordance with subsection (b); and

(3) refund assessments to persons in accordance with this section.

(b) AMOUNTS PLACED IN ACCOUNT.—Subject to subsection (f), the Board shall place in such account, from assessments collected under section 4312 during the period referred to in subsection (a), an amount equal to the product obtained by multiplying the total amount of assessments collected under section 4312 during such period by 15 percent.

(c) FULL REFUND ELECTION.—Subject to subsections (d), (e), and (f) and notwithstanding any other provision of this part, any manufacturer or importer shall have the right to demand and receive from the Board a one-time refund of all assessments collected under section 4312 from such manufacturer or importer during the period referred to in subsection (a) if such manufacturer or importer—

(1) is responsible for paying such assessment; and

(2) does not support the program established under this part.

(d) PROCEDURE.—Such demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the Board.

(e) PROOF.—Such refund shall be made on submission of proof satisfactory to the Board that the manufacturer or importer—

(1) paid the assessment for which refund is sought; and

(2) did not collect such assessment from another manufacturer or importer.

(f) DISTRIBUTION.—If the amount in the escrow account required to be established by subsection (a) is not sufficient to refund the total amount of assessments demanded by all eligible persons under this section, and the continuation of an order is approved pursuant to the referendum required under section 4314(b), the Board shall—

(1) continue to place in such account, from assessments collected under section 4312, the amount required under subsection (b), until such time as the Board is able to comply with paragraph (2); and

(2) provide to all eligible persons the total amount of assessments demanded by all eligible persons under this section.

If the continuation of an order is not approved pursuant to the referendum required under section 4314(b), the Board shall prorate the amount of such refunds among all eligible persons who demand such refund.

SEC. 4316. ENFORCEMENT.

(a) IN GENERAL.—If the Secretary believes that the administration and enforcement of this part or an order would be adequately served by such procedure, following an opportunity for an administrative hearing on the record, the Secretary may—

(1) issue an order to restrain or prevent a person from violating an order; and

(2) assess a civil penalty of not more than $25,000 for violation of such order.

(b) JURISDICTION.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain a person from violating, an order or regulation made or issued under this part.

(c) ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

SEC. 4317. INVESTIGATIONS.

The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this part or to determine whether any person subject to this part has engaged or is about to engage in any act that constitutes or will constitute a violation of this part, the order, or any rule or regulation issued under this part.

SEC. 4318. ADMINISTRATIVE PROVISION.

The provisions of this part applicable to the order shall be applicable to amendments to the order.

Amend the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Thank you, Mr. Chairman.

If there is one thing that we here in Congress can bank on, it's that the sun is going to come up each and every day. Solar power is a domestic form of renewable energy, and increasing its use will be good for our environment, good for public health, good for our national security and good for our economy.

I hail from the great State of Arizona, of course, which is rich in sunshine, but every single State in our country receives enough sunshine to make valuable use of solar energy. In addition to all the societal benefits that I mentioned, solar power is also a solid property investment. Solar panels installed on homes or offices enable families or businesses to reduce and often eliminate electricity bills. They often pay for themselves in just a few short years. Solar panels can increase the resale value of a home or a business. Solar products are becoming more efficient and more attractive all the time and, in fact, there are several examples where the solar panels are actually built into and blend with regular roof tiles.

Unfortunately, many consumers are not aware of some of these benefits of solar. They're not aware of the improvements. A challenge for the solar industry to advertise and promote this has been addressed by another industry that I believe that we can learn from. The agriculture industry pioneered a mechanism called the check-off program, and they did this to increase generally an awareness of a product rather than a particular brand. These programs are federally created and they are a proven way of increasing consumer awareness of a category of products. Almost two dozen programs have been created, and some of these we know very well. For example, in the milk industry, the Got Milk? campaign. Beef. Cotton. Pork. The wide familiarity that we can all name in these campaigns is a solid testament to the effectiveness of raising consumer awareness. And increased consumer awareness is exactly what the solar industry needs in order to increase the demand for products here in the United States, which will be to the benefit of the entire country.

I therefore offer an amendment that would create a check-off program for the solar industry. This amendment has been explicitly requested by the solar industry. It is structured to incur no cost for the government. All costs are borne by the solar industry, yet individual companies have the ability to opt out of the program.

I urge my colleagues to support this amendment. It is a proven idea with a good track record. It will address global warming, energy independence, American competitiveness, and I believe it's a winning proposition.

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

Mr. HALL of Texas. Mr. Chairman, I seek time for the Science Committee.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. I yield myself such time as I may consume.

As I read this amendment, it creates both a Solar Energy Industries Research and Promotion Board and then also creates a Solar Energy Research and Promotion Operating Committee, which would be established and administered with fees assessed involuntarily against solar manufacturers and importers. I guess one of the things that I'm concerned about is this will eventually be passed on to consumers, to customers, that will wind up paying it. I would like to know more about how voluntary it is.

Actually, it creates two additional layers of bureaucracy for the Secretary of Energy to promote solar power. I don't see any reason why we don't just give DOE a grant to promote solar power, if that's the goal for it. There's no really added benefit to creating both a solar board and a solar committee. I don't understand why you'd have to have both of those or why you don't lessen it down just to one solar organization.

I note that the solar manufacturers and importers don't have a chance nor a choice as to the creation of the board or the payment of the fees assessed to promote the use of solar power. I see somewhere in the bill here where there's a huge fine there, a civil penalty, if certain things aren't done. I think it's something that really needs to be looked at and really needs some work on it between now and the time the Senate works on it or the time we get to conference.

As I read it again, it has the payment of a fee that also might be enforced by a civil action by the Secretary of Energy and the Attorney General, with a civil penalty of up to $25,000. That's a pretty serious fee. And I can see how that might be passed on to any area there of operation.

So here you have a fee, you have a board, you have a committee, an inspection of company books and records and the possibility of a civil penalty all being thrust upon solar manufacturers and importers, possibly against their wishes, all intending to help them.

But at this point I guess I just have to ask the obvious question of why this program, if it really will help the manufacturers and importers to find customers for their solar products and technology, why it would not be offered the opportunity to participate in some type of a voluntary check-off program or a time when they can opt out?

Would the gentlelady yield for a question?

Ms. GIFFORDS. Mr. Chairman, I will yield.

Mr. HALL of Texas. How long would it be before they could opt out if this is passed? What period is the opt-out period, and explain that to us, if you would.

Ms. GIFFORDS. Mr. Chairman, the companies would be able to opt out immediately.

Mr. HALL of Texas. I beg your pardon?

Ms. GIFFORDS. To my knowledge, those companies will be able to opt out if they do not want to participate in the program. Again, this is an amendment that was brought to me by the Solar Energy Industries Association. The solar companies in Arizona that I have worked with are all in favor of this amendment. Again, it's a voluntary program where the companies can choose to opt out if they so choose. But it has been successful, Mr. Chairman, in many other industries. And the

agriculture industries that I mentioned are good examples.

I am certainly willing to work with my friend from Texas as this bill moves forward, but I do think that there are some real benefits to offering this amendment.

Mr. HALL of Texas. I would hope that you would. A lot of the companies that would be affected by this may be small businesses, they may not have the ability to opt out, and then have to bring a receipt to show, to maybe claim back some of their outlay. But they might be small businesses and startups, and I'm really concerned that it might have some unintended consequences.

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

Ms. GIFFORDS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MRS. TAUSCHER

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in part B of House Report 110–300.

Mrs. TAUSCHER. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mrs. TAUSCHER:

Page 436, before line 8, insert the following (and conform the table of contents of the bill accordingly):

SEC. ___. CAPITAL COST OF CONTRACTING VANPOOL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and implement a pilot program to carry out vanpool demonstration projects in not more than 3 urbanized areas and not more than 2 other than urbanized areas.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Notwithstanding section 5323(i) of title 49, United States Code, for each project selected for participation in the pilot program, the Secretary shall allow the non-Federal share provided by a recipient of assistance for a capital project under chapter 53 of such title to include the amounts described in paragraph (2).

(2) CONDITIONS ON ACQUISITION OF VANS.—The amount expended by a private provider of public transportation by vanpool for the acquisition of vans to be used by such private provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition, if the private provider enters into a legally binding agreement with the recipient that requires the private provider to use all revenues it receives in providing public transportation in such service area, in excess of its operating costs, for the purpose of acquiring vans to be used by the private provider in such service area.

(c) PROGRAM TERM.—The Secretary may approve an application for a vanpool demonstration project for fiscal years 2008 through 2009.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report containing an assessment of the costs, benefits, and efficiencies of the vanpool demonstration projects.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TAUSCHER. Thank you, Mr. Chairman. I yield myself as much time as I may consume, and I will be very brief.

I rise today to offer an amendment with my friend MIKE ROGERS of Michigan to provide commuters relief from soaring gas prices by making van pooling a more viable option. Our initiative creates a 2-year pilot program in five regions across the country. It will allow State and local governments access to a Federal Transit Administration policy known as the Federal Capital Cost of Contracting. While the change is fairly technical, its impact is not. It is estimated that this alteration could more than triple van pooling across the Nation, conserving over 500 million gallons of fuel per year and greatly reducing ozone emissions. Moreover, it won't impact the Federal budget, and the vehicles used are made by American manufacturers.

Mr. Chairman, this commonsense amendment will give Americans access to another form of transportation that reduces greenhouse gas emissions, reduces congestion and saves fossil fuels.

I ask my colleagues to support the amendment, I understand that Chairman OBERSTAR is willing to accept the amendment, and I am happy to reserve my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition only to claim time.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BARTON of Texas. And I do not oppose it. I think it's one of the best amendments that's been offered. Anything we can do to help. This is obviously something that needs to be done. Not only van pooling but car pooling, also. And the more emphasis we can put on this, this is one of the most cost-efficient ways to save transportation fuels out there.

All you have to do is go to any freeway in any urban area in America and see all the cars and trucks that have only one person in them to understand how important this particular amendment is. I'm in very strong support of it and would urge its adoption.

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

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Texas for his kind words. I once again thank Chairman OBERSTAR for his support. I urge my colleagues' support.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Michigan (Mr. ROGERS).

Our Nation is experiencing a public transportation renaissance. Last year, people took over 10.1 billion trips on public transportation. Transit experienced its highest ridership in 47 years.

Currently, transit use reduces U.S. gasoline consumption by approximately 1.4 billion gallons per year, or 3.9 million gallons per day. However, transit could play a much larger role in reducing our dependence on foreign oil if the traveling public had additional transit options.

One of the lowest cost modes of public transportation is vanpooling. Vanpooling is an arrangement by which commuters travel together in a van, usually 6 to 15 passengers. Vanpooling is used often in para-transit and special needs services, such as providing transportation services for the elderly. It is also used by employers to transport commuters to and from work. Vanpools provide transit services in a variety of ways. Public transportation agencies own and operate vanpools, and often times, the public agencies contract with private operators to provide vanpool service.

This amendment creates a new vanpool demonstration program through the Department of Transportation to explore the cost and energy efficiencies of transit vanpool services. It will enhance the ability of communities to offer vanpool transit services by providing State and local governments access to a Federal Transit Administration policy known as the "Federal Capital Cost of Contracting" policy. The provision simply provides local governments with an additional option for using Federal formula transit dollars. It also allows private sector vanpool providers to leverage private investment with Federal transit funds, by using private capital as a local match, in order to lower the cost of joining a vanpool.

It is estimated that this program could conserve over 500 million gallons of fuel per year and greatly reduce ozone emissions. The program will also provide commuters with increased transit services and options which will help reduce congestion nationwide without having an impact on the Federal budget.

I urge my colleagues to support the Tauscher/Rogers amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in part B of House Report 110–300.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. HOLT:

In section 8101(c)(1) of the bill—

(1) strike "and" before "to alleviate"; and

(2) insert before the period at the end ", and to examine the potential fuel savings

from intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Thank you, Mr. Chairman. I yield myself such time as I may consume, and I shall be brief.

Suppose you are driving to work. Now, today you can listen to the radio and avoid some delays. But what if you had real-time information in your car that would instruct you to turn now and save 10 minutes on your commute? What if you could use that technology every day? What if millions of Americans used that technology every day? You would save time, fuel and money.

Mr. Chairman, this is not far-fetched. The technology exists today, but it is not widely implemented, although it could be. Information technology is becoming cheaper and cheaper. Electronic systems are now relatively inexpensive and easy to install, but we've really not looked at using them systematically. My amendment would mandate a study of this new technology, such as web-based real-time information systems, freight route management, congestion information systems, car pool information systems, parking information and so forth and would examine the fuel savings.

□ 1545

This amendment, which is supported by the Intelligent Transportation Society of America, simply calls for a study of the energy savings from intelligent transportation systems. It, indeed, I would argue, is an intelligent amendment, and I believe Mr. OBERSTAR from Minnesota would agree.

Mr. OBERSTAR. Will the gentleman yield?

Mr. HOLT. I would be happy to yield to the gentleman from Minnesota.

Mr. OBERSTAR. In the jurisdiction of the Committee on Transportation and Infrastructure, in our title of this bill we provide strengthening language for the Center for Climate Change and Environment in the Department of Transportation. And we require the Center to study and track low-cost solutions to reducing transportation-related energy use and greenhouse gas emissions, which is exactly in the line that the gentleman proposes, potential fuel savings and benefits derived from intelligent transportation systems.

We have to use the available technology on the ground as we do in the air for ITS to save fuel and energy for aviation. We can apply that technology to the ground, as the gentleman is proposing. So we support this amendment.

Mr. HOLT. I thank the gentleman.

Again, this is very much in line with what the gentleman and his committee have authorized. The amendment just goes a step farther to require a study of the energy savings. I expect we will find that they are great, but let's do the study.

I urge support of this amendment.

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

Mr. BARTON of Texas. We support the amendment and seek no time.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in part B of House Report 110–300.

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. HASTINGS of Florida:

At the end of subtitle A of title II of the bill, insert the following:

SEC. 2104. REPORT ON PROGRESS MADE IN PROMOTING TRANSPARENCY IN EXTRACTIVE INDUSTRIES RESOURCE PAYMENTS.

(a) PURPOSE.—The purpose of this section is to—

(1) ensure greater United States energy security by combating corruption in the governments of foreign countries that receive revenues from the sale of their natural resources, and

(2) enhance the development of democracy and increase political and economic stability in such resource-rich foreign countries.

(b) FINDINGS.—Congress makes the following findings:

(1) The United States is the world's largest consumer of oil. The United States accounts for 25 percent of global daily oil demand—despite having less than 3 percent of the world's proven reserves.

(2) 6 of the top 10 suppliers of United States crude oil imports rank in the bottom third of the world's most corrupt countries, according to Transparency International.

(3) Corrupt and non-transparent foreign governments have a much higher risk of instability and violent unrest, often leading to disruptions of energy supplies. In addition, the citizens of such countries often remain impoverished despite significant resource wealth.

(4) Oil is a fungible commodity. Therefore supply disruptions due to political instability in other parts of the world affect United States domestic price and supply regardless of the source of supply.

(5) Transparency in extractive revenue transactions is important to decreasing corruption and increasing energy security.

(6) The Extractive Industries Transparency Initiative (EITI) serves to improve investment climates through the audited disclosure of revenue payments.

(c) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by decreasing energy reliance on corrupt foreign governments;

(2) to promote global energy security through promotion of programs such as EITI that seek to instill transparency and accountability into extractive industries resource payments.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the United States should further global energy security and promote democratic development in resource-rich foreign countries by—

(1) encouraging further participation in the Extractive Industries Transparency Initiative (EITI) by eligible countries and companies;

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism;

(3) establishing a domestic reporting requirement for all companies that purchase natural resources from or make payments to government officials or entities connected with the extraction of such resources so that citizens can monitor expenditures by government officials to ensure accountability for illicit diversion and wasteful use of revenues received; and

(4) seeking to establish an international reporting requirement similar to the reporting requirement described in paragraph (3) in order to ensure that all international companies and foreign countries are competing and cooperating on a level playing field.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on progress made in promoting transparency in extractive industries resource payments.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include a detailed description of United States participation in the Extractive Industries Transparency Initiative (EITI), bilateral and multilateral diplomatic efforts to further participation in the EITI, and other United States initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, my amendment is aimed at combating corruption in energy-exporting countries and promoting a global energy security.

In my capacity as chairman of the Commission on Security and Cooperation in Europe, I have held a series of hearings on the issue of global energy security. I offer this amendment today as a culmination of findings from those hearings.

This amendment encourages international participation in the Extractive Industries Transparency Initiative and similar efforts. This amendment will increase the accountability of where our energy comes from by urging international disclosure of energy transactions and requiring the Secretary of State to submit an annual report on EITI compliance. It also states

that it is the power of the United States to decrease reliance, energy reliance on corrupt foreign governments.

I thank Chairmen LANTOS and DINGELL and my colleagues of the U.S. Helsinki Commission and the staff of the Helsinki Commission, and mine, for their anticipated support.

I urge my colleagues to vote in favor of this amendment and the underlying legislation.

Mr. Chairman, I rise today to offer an amendment to the H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act. The purpose of this amendment is two-fold: to combat corruption in energy-exporting countries and to promote democracy and the rule of law in these countries as well.

In my capacity as Chairman of the bipartisan, bicameral Commission on Security and Cooperation in Europe (CSCE), I have held a series of hearings on the issue of global energy security in the 110th Congress. The topics of those hearings have spanned the vast diversity energy concerns of the 56 CSCE member nations. I offer this amendment today as a culmination of findings from those hearings.

The United States is the world's largest consumer of oil, accounting for 25 percent of global daily oil demand, despite having less than 3 percent of the world's proven reserves. As a result, we are increasingly dependent on foreign sources of energy.

Mr. Chairman, unfortunately, the countries that the U.S. has become dependent on for that energy are not reliable politically. In fact, only two of the world's top 10 exporters, Norway and Mexico, are established democracies. The non-democratic exporting countries face political instability, which pose a serious threat to the supply and transit of the oil and gas that America runs on.

While it is imperative that we work to limit our dependence on foreign oil and change the dynamic of supply and demand, it is just as important to create more stable and reliable sources of energy. As the National Petroleum Council recently reported, "There can be no U.S. energy security without global energy security."

Mr. Chairman, my amendment meets our objective of global energy security by supporting international participation in the Extractive Industries Transparency Initiative (EITI) and similar efforts. This amendment also urges these countries to establish domestic reporting requirements for all companies that purchase natural resources or make payments connected with the extraction of such resources to increase the accessibility of these transactions for accountable monitoring.

My amendment further requires that the Secretary of State submit to the Congress an annual report which details the United States' own participation in the Extractive Industries transparency Initiative, as well as our bilateral and multilateral diplomatic efforts to further global participation in EITI. This annual report would also entail other U.S. initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

Finally, my amendment states that it is the energy policy of the United States "to increase energy security by decreasing energy reliance on corrupt foreign governments."

Mr. Chairman, in order to have a comprehensive energy security policy for the nation, we must develop a complete strategy to improve transparency and accountability in oil-exporting states. My amendment will do just that.

I urge my colleagues to support this amendment and the underlying legislation.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, this amendment affects the portion of the bill within the jurisdiction of the Foreign Affairs Committee. Chairman LANTOS accepts the amendment and commends the gentleman for his excellent work.

Mr. HASTINGS of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I am going to rise in confused opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. We have been trying to figure out what this amendment actually does. Would the author try to explain, in terms a Texan could understand, what you're attempting here with this amendment?

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. BARTON of Texas. Sure. I would be happy to yield.

Mr. HASTINGS of Florida. There is a requirement for countries to participate in the extractive industries reporting.

Basically what we are doing is, for the first time, asking the Secretary of State to encourage countries to participate in EITI. EITI is to be renewed on September 30. And if we nudge some countries, without mentioning names, some of them may very well determine to participate. That way we will have more assurance of our energy supplies and try, as best we can, not to participate in the future with foreign corrupt governments.

Mr. BARTON of Texas. Reclaiming my time, is the gentleman attempting to create a system where we encourage democratic government in these developing countries? Are you trying to get the countries to adopt specific extractive practices? What is the underlying intent?

Mr. HASTINGS of Florida. Extractive practices, if the gentleman would yield.

Mr. BARTON of Texas. This is not an Energy and Commerce issue. The Government Reform Committee is not here. So I would say we will withdraw our opposition and just be neutral based on what the gentleman has said.

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

Mr. HASTINGS of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MS. SOLIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in part B of House Report 110–300.

Ms. SOLIS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Ms. SOLIS:

At the end of subtitle B of title II of the bill, insert the following:

SEC. 2209. REPORT ON IMPACT OF GLOBAL CLIMATE CHANGE ON DEVELOPING COUNTRIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on the impact of global climate change on developing countries.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) an assessment of the current and anticipated needs of developing countries in adapting to the impact of global climate change; and

(2) a strategy to address the current and anticipated needs of developing countries in adapting to the impact of global climate change, including the provision of United States assistance to developing countries, and an identification of existing funding sources and a description of new funding sources that will be required specifically for such purposes.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentlewoman from California (Ms. SOLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SOLIS. Mr. Chairman, today I urge my colleagues to support this amendment that I'm offering with my colleagues, Mr. GILCHREST, Mr. CARNAHAN and Mr. KIRK.

Climate impacts on developing countries could increase stresses on natural resources such as water, drought and agriculture and compromise public health for the world. Unfortunately, developing nations often have weak or unstable domestic infrastructures magnifying these impacts.

The growing security risk of an unstable climate have been widely noted. On April 17, 2007, the U.N. Security Council held an open debate on the issue of national security and climate change. The issue was also subject of discussion at the Winter Parliamentary Assembly meeting of the OSCE, which I'm a participant in, on February 2007 where I was able to talk about and give a key address on our bipartisan efforts here in the U.S. House.

A military advisory board, which included General Anthony Zinni, Admiral Richard Truly, Admiral Lopez and General Gordon Sullivan, concluded that climate change is the threat multiplier for instability and could push

already weak and failing governments toward authoritarianism and radical ideologies. As a result, the U.S. may be drawn more frequently into these situations to either provide stability or reconstruction.

This amendment, Members, builds on the recognition and requires the Department of State, the Agency for International Development, the Environmental Protection Agency and other relevant agencies to assess specific needs of developing countries in adapting to climate changes. Based on the assessment, our amendment requires a strategy be submitted to the Congress to address these needs, including identification of existing funding and new funding sources which may be required for such purposes.

Please join us in building a foundation to secure developing countries from instability associated with climate change.

I yield to the gentleman from California (Mr. SHERMAN), a member of the Foreign Affairs Committee.

Mr. SHERMAN. The amendment affects a portion of the bill within the jurisdiction of the Foreign Affairs Committee. Chairman LANTOS accepts the amendment and commends the gentlelady and her co-authors on their excellent work.

Ms. SOLIS. Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, what concerns me most about the amendment is its requirement for a report by the Secretary that includes a strategy to help developing countries to adapt to climate change, and I quote, ''including the provision of United States assistance to developing countries and an identification of existing funding sources, and a description of new funding sources that will be required specifically for such purposes.''

Mr. Chairman, it's one thing to have the executive branch agencies compose a strategy, but it's quite another to encourage, if not require, such agencies to find new ways to justify further increasing U.S. foreign assistance to these countries.

This strategy would come after the section of the bill, section 2202, which already calls for $200 million every year from the year 2008 to the year 2012 to be allocated for U.S. assistance and programs in developing countries that ''promote clean and efficient energy technologies.''

I believe that there is a positive intent behind this amendment, and I commend my colleague, Ms. SOLIS, from California for offering it. But it would be a better proposal if it did not have a requirement that the report from the Secretary of State include a strategy that basically instructs the Secretary to tell us how to spend more money.

So I hope that our colleagues would reject this amendment.

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

Ms. SOLIS. Reclaiming my time, I would just like to submit that this is a study bill, and that we are exploring the possibilities of funding here.

I would next like to recognize the gentleman from Missouri (Mr. CARNAHAN) for 30 seconds.

Mr. CARNAHAN. Mr. Chairman, I rise just to add my voice in support of this bill and to submit the rest of my statement for the RECORD.

I would like to thank my distinguished colleagues, Ms. SOLIS, Mr. GILCHREST, and Mr. KIRK for their work on this amendment.

One of the important pieces of this bill is The ''International Climate Cooperation Re-engagement'' section, which seeks to re-engage U.S. involvement in global climate change and will work to reduce global greenhouse emissions worldwide.

Our amendment will help us take another step in reducing the effects of global climate change.

Numerous reports have found that climate change is directly linked to, and has a disproportionate effect on, developing countries by threatening the world's water supply and contributing to global poverty.

In June 2007, the United Nations High Representative for Least Developed Countries issued a report stating that climate change was the one of the most severe threats facing the least developed countries of the world.

As one of the largest greenhouse gas emitting countries in the world, it is our responsibility to help other countries adapt to the effects of global warming.

This amendment will take a crucial step by requiring a report on the adaptation needs of developing countries, and developing a strategy to address those needs.

Thank you and I urge adoption of our amendment.

Ms. SOLIS. Mr. Chairman, I yield 1 minute to Mr. GILCHREST, who is also one of our major cosponsors of the legislation.

Mr. GILCHREST. I thank the gentlelady for yielding.

Mr. Chairman, what I would like to do is, to my colleagues, and certainly to the Speaker, if anybody else is listening, there is a lot of information out there about climate change. There is a lot of information about how it's going to affect the globe and how it's going to affect the United States.

If there is any book that I have ever read with the written and pictorial word of that is ''Earth Under Fire: How Global Warming is Changing the World,'' Gary Braasch.

What we need to do on this issue is understand a quote given by Norman Cousins who wrote the book 30 years ago, ''Human Options.'' And in that book there is a quote. That quote is, ''Knowledge is the solvent for danger.'' And you put that quote next to another one by Thomas Jefferson, which says, ''ignorance and a free society and a successful society are not compatible.''

What we have here is a study to understand the concept of where human activity is not compatible with eons of nature design and its impact.

Let's learn about that information. Let's vote for this amendment.

Ms. SOLIS. Mr. Chairman, I would ask my colleagues to support this very important amendment and ask for an ''aye'' vote.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. SOLIS).

The amendment was agreed to.

Ms. SOLIS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SARBANES) having assumed the chair, Mr. SERRANO, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 3221

Ms. SOLIS. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3221 pursuant to House Resolution 615, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

Mr. BARTON of Texas. Reserving the right to object, and I may not object, I just want to ask of the gentlewoman from California, has this unanimous consent request been cleared with the minority leadership?

Ms. SOLIS. Yes, it has, to my understanding.

Mr. BARTON of Texas. And they have accepted it?

Ms. SOLIS. Yes.

Mr. BARTON of Texas. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the record on H.R. 3221.

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

There was no objection.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

The Acting CHAIRMAN. Pursuant to House Resolution 615 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3221.

□ 1601

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, with Mr. SERRANO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 21 offered by the gentlewoman from California (Ms. SOLIS) had been disposed of.

AMENDMENT NO. 22 OFFERED BY MR. CLEAVER

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in part B of House Report 110–300.

Mr. CLEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEAVER:

Amend section 303(f)(1) of the Energy Policy Act of 1992, as proposed to be inserted by section 6201 of the bill, to read as follows:

''(1) PROHIBITION.—

''(A) IN GENERAL.—No Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

''(B) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—If any portion of a Members' Representational Allowance is used to provide any individual with a vehicle described in paragraph (1), including providing an individual with a vehicle under a long-term lease, the House of Representatives shall be considered to have acquired the vehicle for purposes of paragraph (1).

''(C) DEFINITIONS.—In this paragraph—

''(i) the term 'Federal agency' includes any office of the legislative branch; and

''(ii) the term 'Members' Representational Allowance' means the allowance described in section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b(a)).''.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Missouri (Mr. CLEAVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CLEAVER. Mr. Chairman, it is my hope that we won't have to use the entire 5 minutes in the interest of time.

This is a simple but commonsense amendment to this bill, because it will require of Members of this body to do the exact same thing that we are requiring of Federal agencies, and that is for any Member who is using his or her Members' Representational Allowance to lease an automobile, that they would be required to lease the exact same kinds of vehicles, those that are alternative fuels when available, that we are requiring of Federal agencies.

This amendment is designed for a demonstration to the public that we are serious about energy independence and that we are also going to lead by example.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in serious opposition.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I have great respect for my good friend from Missouri, who I believe was born in Texas. In fact, I think the gentleman was born in Waxahachie, Texas, so I have utmost respect.

Mr. Chairman, I have a GM assembly plant in my district in Arlington, Texas. The lease car that I use in my district is produced there. It is a GM Tahoe. It is a very good vehicle. It is made with union labor, which would make all my friends on the Democratic side happy. I am very happy with it. It has the engine in it that at a certain speed and under certain conditions, four of the eight cylinders stop working so you get increased fuel efficiency.

But I don't believe it would be certified as a low-greenhouse-gas-emitting vehicle. In fact, I am not sure that we have a definition right now in current law of what a low-greenhouse-gas-emitting vehicle is.

I certainly respect the gentleman from Missouri's intent on this. But I think it is premature. I think we need to wait a number of years. Let's see exactly how some of these new vehicles that are currently in the research phase turn out.

I drove another GM product around the Capitol not too many weeks ago that runs on hydrogen. That particular vehicle is not available for lease or sale right now. When it is, it probably will be a low-greenhouse-gas-emitting vehicle. But it is probably 5 or 6 years away from being able to be purchased or leased.

Mr. Chairman, again, we understand the intent of the amendment. The intent is noble. But the application and practice, I think, would be impractical at this point in time. So I strongly oppose the amendment and hope that we defeat it.

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

Mr. CLEAVER. Mr. Chairman, there are about 100 Members of the United States Congress who lease automobiles. And we are requiring, as of 1997, through a mandate from President Clinton, that all vehicles operating under the aegis of the General Services Administration operate with flex-fuel vehicles.

So what we are saying here is that we are willing to require that Federal agencies change their fleets, but that we are not willing to change our fleets. If those vehicles create confusion for us with regard to whether or not they are alternative-fuel vehicles, then we have to stop this entire program because we are already using the language of this amendment as we are requiring other vehicles throughout the Federal Government to use.

I yield to the gentleman from California (Mr. WAXMAN), the chairman of the committee.

Mr. WAXMAN. Mr. Chairman, I rise in support of Mr. CLEAVER's amendment.

Mr. Chairman, this is an amendment to section 6201 of the bill, which is part of the contribution of the Oversight and Government Reform Committee which is a bipartisan one.

Section 6201 requires Federal agencies to purchase only low-greenhouse-gas-emitting vehicles for Federal fleets. This provision addresses the Government's contribution to global warming from vehicles which are a significant source of greenhouse gas emissions. Mr. CLEAVER's amendment proposes to extend this requirement to cover Congress, as well.

This amendment makes sense. It will further reduce greenhouse gas emissions by expanding the use of low-emitting vehicles. It holds Congress to the same standard we are applying to the executive branch. With this amendment, Congress will be taking another step to fight global warming.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. CLEAVER. Mr. Chairman, I yield time to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Chairman, we are trying to move along the business of the people of this country.

I rise in strong support of this extraordinarily good legislation.

Mr. Chairman, this legislation truly represents a new direction in America's energy policy, and it will thereby strengthen our national, economic and environmental security.

Twenty-eight years ago, President Carter said (and I quote): ''This intolerable dependence on foreign oil threatens our economic independence and the very security of our Nation.''

President Carter was correct then, but we failed to act.

We must not fail to act today.

We must pass this comprehensive legislation, which will reduce our reliance on foreign oil by investing in the infrastructure needed to deploy homegrown bio-fuels, providing incentives for plug-in hybrid cars, and promoting the use of mass transit.

This legislation also repeals a number of tax subsidies that benefit the oil and gas industry, and includes landmark energy efficiency provisions that will save consumers and businesses at least $300 billion through 2030.

In fact, the energy efficiency provisions will reduce carbon dioxide emissions by as much as 10.4 billion tons through 2030—more than the annual emissions of all the cars on the road in America today.

In addition, it extends existing tax credits for the production of renewable energy; spurs innovation by supporting high-risk, high-payoff energy research; and bolsters research on renewable energy and global warming.

Furthermore, the bill requires our government to become carbon-neutral by the year 2050, moving forward on carbon capture and sequestration, promoting clean energy exports to developing countries, and directing the administration to lead the global effort to achieve a binding global warming agreement.

It is my hope that the house will send this bill to conference with a strong vote so that we can reach consensus on issues such as the use of renewables, the development of new technologies, and the fiscally responsible extension of needed energy tax provisions.

This bill will help us achieve that goal. I urge my colleagues to support it.

Mr. BARTON of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as our distinguished majority leader and the Speaker leave the floor, I would point out that the vehicles that they drive with their security detail wouldn't qualify for low-greenhouse-gas-emitting vehicles. I am not sure that we would want to put them in a low-greenhouse-gas-emitting vehicle at this point in time given the security needs and the needs for rapid acceleration in case there were some sort of an emergency.

Again, there is nothing wrong with the intent. But in application, all you have to do is go out outside this Chamber right now and look at some of the vehicles that are strategically placed and look at the security personnel that are inside those vehicles.

We need to be practical as we pass some of these legislative items that are under consideration today. This particular amendment, given the current technology and the state of the market, is not practical to be broadly applied.

If there are low-greenhouse-gas-emitting vehicles, and again, I point out we don't have a current definition, but if there are, and a Member of Congress wants to lease them or purchase them for personal use or lease them for government use, there is no prohibition against that. But we certainly don't need to mandate it.

Mr. Chairman, again, I would strongly oppose the adoption of this amendment.

Mr. Chairman, I yield back the balance of the time.

Mr. CLEAVER. Mr. Chairman, one of the problems that we have as a body at this time is that the people around the country are constantly observing us and looking at us in ways that are negative because we want to pass laws to impose on everybody except us.

If we are going to declare that we are moving toward energy independence, then the Members of the Congress using taxpayer dollars ought to be willing to give up big Cadillacs in order to lease an energy-efficient car.

The Speaker of the House, just to make a point, did, in fact, request an energy-efficient vehicle. Security, as they should have, said that they were not going to compromise security.

But this late legislation does not even approach those who have security. This says, Members who use their MRA. The Speaker, the majority leader, the minority leaders don't use their MRA. These are vehicles leased by the House of Representatives.

We cannot continue to try to lead the Nation in a direction that we won't lead first.

Mr. Chairman, I urge all the Members to vote to allow Congress to take the lead in moving toward energy independence.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CLEAVER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

□ 1615

AMENDMENT NO. 23 OFFERED BY MR. SARBANES

The Acting CHAIRMAN. It is now in order to consider the last amendment, No. 23, printed in part B of House Report 110–300.

Mr. SARBANES. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. SARBANES:

At the end of title VI, add the following new subtitle:

Subtitle C—Telework Enhancement

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Telework Enhancement Act of 2007''.

SEC. 6302. FEDERAL GOVERNMENT TELEWORK REQUIREMENT.

(a) IN GENERAL.—

(1) ELIGIBILITY.—Within 1 year after the date of enactment of this Act, the head of each Executive agency shall establish a policy under which each employee of the agency, except as provided in subsection (b), shall be eligible to participate in telework.

(2) PARTICIPATION POLICY.—The policy shall ensure that eligible employees participate in telework to the maximum extent possible without diminishing employee performance or agency operations.

(b) INELIGIBLE EMPLOYEES.—Subsection (a)(1) does not apply to executive agency employees whose duties require the daily handling of national security or intelligence materials or daily on-site physical presence for activity such as necessary contact with special equipment or other activity that cannot be handled remotely or at an alternate worksite.

SEC. 6303. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

(1) telework training is incorporated in the agency's new employee orientation procedures;

(2) telework training is provided to managers and all new teleworkers; and

(3) periodic employee reviews are conducted for all employees to ascertain whether telework is appropriate for the employee's job description and the extent to which it is being utilized by the employee.

SEC. 6304. TELEWORK MANAGING EMPLOYEE.

(a) IN GENERAL.—The head of each executive agency shall appoint a full time senior level employee of the agency as the Telework Managing Officer. The Telework Managing Office shall be established within the office of the chief administrative officer or a comparable office with similar functions.

(b) DUTIES.—The Telework Managing Officer shall—

(1) serve as liaison between employees engaged in teleworking and their employing entity;

(2) ensure that the organization's telework policy is communicated effectively to employees;

(3) encourage all eligible employees to engage in telework to the maximum practicable extent consistent with meeting performance requirements and maintaining operations;

(4) assist the head of the agency in the development and maintenance of agencywide telework policies;

(5) provide assistance and advice in labor-management interactions regarding telework;

(6) educate administrative units on telework policies, programs, and training courses;

(7) provide written notification to each employee of specific telework programs and the employee's eligibility for those programs;

(8) focus on expanding and monitoring agency telework programs;

(9) recommend and oversee telework-specific pilot programs for employees and managers, including tracking performance and monitoring activities;

(10) develop and administer a telework performance reporting system;

(11) promote and monitor agency and other resources necessary for effective teleworking;

(12) develop telework promotion and incentive programs; and

(13) assist the head of the agency in designating employees to telework to continue agency operations in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(c) REPORT.—The Telework Managing Officer shall submit a report to the head of the employing agency and the Comptroller General at least once every 12 months that includes a statement of the applicable telework policy, a description of measures in place to carry out the policy, and an analysis of the participation by employees of the entity in teleworking during the preceding 12-month period.

SEC. 6305. ANNUAL TELEWORK AGENCY RATING.

(a) IN GENERAL.—The Comptroller General shall establish a system for evaluating—

(1) the telework policy of each executive agency; and

(2) on an annual basis the participation in teleworking by their employees.

(b) REPORT.—The Comptroller General shall publish a report each year rating—

(1) the telework policy of each entity to which this subtitle applies;

(2) the degree of participation by employees of each such entity in teleworking during the 12-month period covered by the report;

(3) for each executive agency—

(A) the number of employees in the agency;

(B) the number of those employees who are eligible to telework;

(C) the number of employees who engage on a regular basis in teleworking; and

(D) the number of employees who engage on an occasional or sporadic basis (at least one day per month) in teleworking; and

(4) for each executive agency, an assessment of agency compliance with this subtitle.

SEC. 6306 DEFINITIONS.

In this subtitle:

(1) EMPLOYEE.—The term ''employee'' has the meaning given that term by section 8101(1) of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term by section 105 of title 5, United States Code.

(3) TELEWORK.—The term ''telework'' means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee that—

(A) reduces or eliminates the employee's commute between his or her residence and his or her place of employment; and

(B) occurs at least 2 business days per week in at least 48 weeks in a year.

The Acting CHAIRMAN. Pursuant to House Resolution 615, the gentleman from Maryland (Mr. SARBANES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am quite aware that I am the last one in line before the Committee rises.

Mr. Chairman, I rise today to offer the Sarbanes-Wolf amendment to promote telework options for the Federal workforce. The amendment is in keeping with the provisions of the energy bill that seek to promote a new carbon neutral Federal Government. In fact, it is estimated that about one-third of carbon emission in the United States is transportation related.

Mr. Chairman, I want to thank Chairman WAXMAN for his support of the amendment.

This amendment, combined with other provisions of the bill, such as higher emissions standards for vehicles owned and operated by the Federal Government, seeks to ensure that we in government do our part to reduce automobile emissions.

I would like to salute the distinguished gentleman from Virginia, Congressman WOLF, who has joined me today in offering this amendment, and is a tireless advocate for telework in the Federal Government. Over the last decade, he has put telework on the map as a management option within the Federal workforce, and I want to thank him for his leadership.

The amendment requires that agencies establish a telework policy within 1 year. Employees who handle national security or intelligence materials or special equipment would be exempted from the policy. It provides for training and monitoring, designates a senior telework managing employee in each of the agencies, and requires the GAO to examine and evaluate the telework policies of each agency.

I thank Congressman WOLF for his leadership in this area, and I hope all of my colleagues feel this is a win-win for the Federal Government and the Federal workforce.

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

Mr. BARTON of Texas. Mr. Chairman, we don't oppose the amendment and seek no time.

Mr. SARBANES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 110–300 on which further proceedings were postponed, in the following order:

Amendment No. 6 by Mr. UDALL of New Mexico.

Amendment No. 9 by Mr. ARCURI of New York.

Amendment No. 13 by Mr. SALI of Idaho.

Amendment No. 22 by Mr. CLEAVER of Missouri.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 190, not voting 28, as follows:

[Roll No. 827]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bono
Bordallo
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Cleaver
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Ehlers
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Clyburn
Cole (OK)
Conaway
Costello
Cramer
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Deal (GA)
Dent
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Green, Gene
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jones (NC)
Jones (OH)
Jordan
Keller
Kilpatrick
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas

Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Sali
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—28

Aderholt
Blunt
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Davis, Tom
Faleomavaega
Fortuño
Goode
Graves
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Klein (FL)
Kucinich
LaHood
Lantos
Lowey
Paul
Saxton
Schmidt
Skelton
Tancredo

□ 1639

Mrs. BACHMANN and Mr. MAHONEY of Florida changed their vote from ''aye'' to ''no.''

Mr. JOHNSON of Georgia changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Chairman, I was unavoidably detained and missed the vote on the Udall amendment of H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act. Had I been present, I would have voted "aye."

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 827 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 9 OFFERED BY MR. ARCURI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 9 offered by the gentleman from New York (Mr. ARCURI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 245, not voting 24, as follows:

[Roll No. 828]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baird
Baldwin
Bilbray
Bishop (NY)
Boswell
Boucher
Brady (PA)
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clyburn
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Israel
Jackson (IL)
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind
Kirk
Kuhl (NY)
Langevin
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Price (NC)
Rahall
Rangel
Reichert
Rohrabacher
Rothman
Rush
Sarbanes
Schakowsky
Schwartz
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sires
Slaughter
Smith (NJ)
Snyder
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh (NY)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—245

Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Cardoza
Carter
Castle
Chabot
Cleaver
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Giffords
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Harman
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Honda
Hulshof
Inglis (SC)
Inslee
Issa
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Keller
Kildee
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Napolitano
Neugebauer
Norton
Nunes
Oberstar
Ortiz
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Scott (GA)
Scott (VA)
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Solis
Souder
Stearns
Sullivan
Sutton
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—24

Blunt
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Klein (FL)
Kucinich
LaHood
Lantos
Paul
Saxton
Schmidt
Skelton
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute is left on this vote.

□ 1646

Mr. PORTER and Mr. VISCLOSKY changed their vote from ''aye'' to ''no.''

Mr. LEVIN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. SALI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from Idaho (Mr. SALI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 402, noes 9, not voting 26, as follows:

[Roll No. 829]

AYES—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—9

Farr
Filner
Gilchrest
Honda
Matsui
McDermott
Rahall
Stark
Thompson (CA)

NOT VOTING—26

Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Herger
Hinojosa
Hunter
Jindal
Johnson, Sam
Klein (FL)
Kucinich
LaHood
Lantos
Musgrave
Paul
Saxton
Schmidt
Skelton
Tancredo
Waters

□ 1650

Mr. MCNERNEY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. CLEAVER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. CLEAVER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 196, not voting 23, as follows:

[Roll No. 830]

AYES—218

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Donnelly
Doyle
Dreier
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Kennedy
Kind
Kingston
Kirk
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reichert
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn

NOES—196

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carney
Carter
Chabot
Cole (OK)
Conaway
Costa
Cramer
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Gonzalez
Goodlatte

Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Issa
Johnson, E. B.
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kilpatrick
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Ortiz
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walberg
Walsh (NY)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Klein (FL)
Kucinich
LaHood
Lantos
Paul
Saxton
Schmidt
Skelton
Tancredo

□ 1654

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Florida) having assumed the chair, Mr. SERRANO, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, pursuant to House Resolution 615, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. In its current form, definitely so.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barton of Texas moves to recommit the bill, H.R. 3221, to the committees of jurisdiction with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Made Energy and Good Jobs Act''

TITLE I—ENERGY AND COMMERCE

Subtitle A—Energy Efficiency

SEC. 1000. SHORT TITLE.

This subtitle may be cited as the ''Energy Efficiency Improvement Act of 2007''.

PART 1—APPLIANCE EFFICIENCY

SEC. 1001. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—The Energy Policy and Conservation Act is amended as follows:

(1) DEHUMIDIFIERS.—Section 325(cc)(2) (42 U.S.C. 6295(cc)(2)) is amended to read as follows:

''(2) Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

''Product Capacity (pints/day):	Minimum Energy Factor (liters/KWh)
Up to 35.00	1.35
35.01-45.00	1.50
45.01-54.00	1.60
54.01-75.00	1.70
Greater than 75.00	2.5''.

(2) RESIDENTIAL CLOTHESWASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) (42 U.S.C. 6295(g)) is amended by adding at the end the following new paragraphs:

''(9) A top-loading or front-loading standard-size residential clotheswasher manufactured on or after January 1, 2011, shall have—

''(A) a Modified Energy Factor of at least 1.26; and

''(B) a water factor of not more than 9.5.

''(10) No later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clotheswashers manufactured on or after January 1, 2015. Such rule shall contain such amendment, if any.

''(11) Dishwashers manufactured on or after January 1, 2010, shall—

''(A) for standard size dishwashers not exceed 355 kwh/year and 6.5 gallon per cycle; and

''(B) for compact size dishwashers not exceed 260 kwh/year and 4.5 gallons per cycle.

''(12) No later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018. Such rule shall contain such amendment, if any.''.

(3) ENERGY CONSERVATION STANDARD.—Section 321(6)(A) (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clotheswashers, residential dishwashers,''.

(4) REFRIGERATORS AND FREEZERS.—Section 325(b) (42 U.S.C. 6295(b)) is amended by adding at the end the following new paragraph:

''(4) Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014. Such rule shall contain such amendment, if any.''.

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''January 1, 2010'' and inserting ''July 1, 2009''.

SEC. 1002. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking the text of subparagraph (A) and inserting the following: ''The term 'general purpose electric motor (subtype I)' means any motor that meets the definition of 'General Purpose' as established in the final rule issued by the Department of Energy for 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 CFR 431), as in effect on the date of enactment of the Energy Efficiency Improvement Act of 2007.

''(B) The term 'general purpose electric motor (subtype II)' means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as one of the following:

''(i) U-Frame Motors.

''(ii) Design C Motors.

''(iii) Close-coupled pump motors.

''(iv) Footless motors.

''(v) Vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

''(vi) 8-pole motors (~900 rpm).

''(vii) All poly-phase motors with voltages up to 600 volts other than 230/460 volts.''.

(b) STANDARDS.—Section 342(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)(1)) is amended—

(1) by inserting ''(A)'' before ''Except for definite'';

(2) by inserting ''and through the end of the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007'' after ''beginning on such date''; and

(3) by adding at the end the following:

''(B) Each general purpose electric motor (subtype I), except as provided in subparagraph (C), with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have a nominal full load efficiency not less than as defined in NEMA MG-1 (2006) Table 12-12.

''(C) Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have nominal full load efficiency not less

than as defined in NEMA MG-1 (2006) Table 12-11.

''(D) Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have a nominal full load efficiency not less than as defined in NEMA MG-1 (2006) Table 12-11.

''(E) Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 36-month period beginning on the date of enactment of the Energy Efficiency Improvement Act of 2007, shall have a nominal full load efficiency not less than as defined in NEMA MG-1 (2006) Table 12-11.''.

SEC. 1003. RESIDENTIAL BOILERS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6925(f)) is amended—

(1) in the subsection heading, by inserting ''AND BOILERS'' after ''FURNACES'';

(2) in paragraph (1), by striking ''except that'' and all that follows through ''(B)'' and inserting ''except that'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil and electric hot water boiler, except boilers equipped with tankless domestic water heating coils, with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) SINGLE INPUT RATE.—For a boiler that fires at one input rate this requirement may be satisfied by providing an automatic means that allows the burner or heating element to fire only when such means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clause (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii) and (iii) is installed.

''(C) EXCEPTION.—Boilers that are manufactured to operate without any need for electricity, any electric connection, any electric gauges, electric pumps, electric wires, or electric devices of any sort, shall not be required to meet the requirements of this section.''.

SEC. 1004. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

''(G) Walk-in coolers and walk-in freezers.'';

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

''(20) The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed space refrigerated to temperatures, respectively, above and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3000 square feet. These terms exclude products designed and marketed exclusively for medical, scientific, or research purposes.''.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—(1) Each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall meet the following specifications:

''(A) Have automatic door closers that firmly close all reach-in doors. Have automatic door closers that firmly close all walk-in doors that have been closed to within one inch of full closure. This requirement does not apply to doors wider than 3 feet 9 inches or taller than 7 feet.

''(B) All walk-in freezers shall have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open.

''(C) Contain wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers. Door insulation requirements do not apply to glazed portions of doors, nor to structural members.

''(D) Contain floor insulation of at least R-28 for freezers.

''(E) For evaporator fan motors of under one horsepower and less than 460 volts, use either—

''(i) electronically commutated motors (brushless direct current motors); or

''(ii) three-phase motors.

The portion of the requirement for electronically commuted motors takes effect January 1, 2009, unless, prior to this date, the Secretary determines that such motors are only available from one manufacturer. The Secretary may also allow other types of motors if the Secretary determines that, on average, these other motors use no more energy in evaporator fan applications than electronically commutated motors. The Secretary shall establish this maximum energy consumption level no later than January 1, 2010.

''(F) For condenser fan motors of under one horsepower, use either—

''(i) electronically commutated motors;

''(ii) permanent split capacitor-type motors; or

''(iii) three-phase motors.

''(G) For all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any). Light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in is not occupied.

''(2) Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

''(A) Transparent reach-in doors and windows in walk-in doors for walk-in freezers shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

''(B) Transparent reach-in doors for walk-in coolers and windows in walk-in doors shall be either—

''(i) double-pane glass with heat-reflective treated glass and gas fill; or

''(ii) triple pane glass with either heat-reflective treated glass or gas fill.

''(C) If the appliance has an antisweat heater without anti-sweat heat controls, then the appliance shall have a total door rail, glass, and frame heater power draw of no more than 7.1 watts per square foot of door opening (freezers) and 3.0 watts per square foot of door opening (coolers).

''(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (freezers) and 3.0 watts per square foot of door opening (coolers), then the antisweat heat controls shall reduce the energy use of the antisweat heater in an amount corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

''(3) Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy which the Secretary determines is technologically feasible and economically justified. Such standards shall apply to products manufactured three years after the final rule is published unless the Secretary determines, by rule, that three years is inadequate, in which case the Secretary may set an effective date for products manufactured no greater than five years after the date of publication of a final rule for these products.

''(4) Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (3) should be amended. The rule shall

provide that such standards shall apply to products manufactured three years after the final rule is published unless the Secretary determines, by rule, that three years is inadequate, in which case the Secretary may set an effective date for products manufactured no greater than five years after the date of publication of a final rule for these products.''.

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

''(9) For walk-in coolers and walk-in freezers:

''(A) R value is defined as 1/K factor multiplied by the thickness of the panel. K factor shall be based on ASTM test procedure C518-2004. For calculating R value for freezers, the K factor of the foam at 20F (average foam temperature) shall be used. For calculating R value for coolers the K factor of the foam at 55F (average foam temperature) shall be used.

''(B) Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers. Such test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.''.

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting ''walk-in coolers and walk-in freezers,'' after ''commercial clothes washers,'' each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316), is amended—

(1) by striking ''subparagraphs (B), (C), (D), (E), and (F)'' and inserting ''subparagraphs (B), (C), (D), (E), (F), and (G)'' each place it appears.

(2) adding at the end the following:

''(h)(1)(A)(i) Except as provided in clause (ii) and paragraphs (2) and (3), section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1) and (2) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

''(ii) Any State standard issued before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

''(B) In applying section 327 to the equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

''(2)(A) If the Secretary does not issue a final rule for a specific type of walk-in coolers and walk-in freezers within the time frame specified in 342(f)(3) or (4), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in coolers and walk-in freezers for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in coolers and walk-in freezers.

''(B) Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

''(3) Any standard issued in the State of California, before January 1, 2011, under Title 20 of the California Code of Regulations, which refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1) and (2) of section 342(f), shall not be preempted until the standards established under paragraph (3) of section 342(f) take effect.''.

SEC. 1005. STUDY ON CREATING A REGIONAL STANDARDS PROGRAM FOR HEATING AND COOLING PRODUCTS.

(a) STUDY REQUIRED.—The Secretary of Energy shall convene a study group including a representative from the Office of Management and Budget; a representative from the National Institute of Standards and Technology; representatives of nongovernmental advocacy organizations; representatives of product manufacturers, distributors, and installers; representatives of the gas and electric utility industries; and such other individuals as the Secretary may designate. The group shall evaluate the potential benefits and consequences of allowing the Secretary to prescribe regional standards for heating and cooling products.

(b) REPORT REQUIRED.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit a report regarding the findings of the study group to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 1006. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 1007. EXPEDITING APPLIANCE STANDARDS RULEMAKINGS.

(a) DIRECT FINAL RULE.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding a new paragraph (5) as follows:

''(5) If manufacturers of any type (or class) of covered products or covered equipment, States, and efficiency advocates, or persons determined by the Secretary to fully represent such parties, submit to the Secretary a joint recommendation of an energy or water conservation standard and the Secretary determines that the recommended standard complies with subsection (o) or section 342(a)(6)(B), as applicable, to that type (or class) of covered products or covered equipment to which the standard would apply, the Secretary may then issue a direct final rule including the standard recommended. If the Secretary determines that a direct final rule cannot be issued based on such a submitted joint recommendation, the Secretary shall publish a determination with an explanation as to why the joint recommendation does not comply with this paragraph. For purposes of this paragraph, the term 'direct final rule' means a final rule published the same day with a parallel notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard set forth in the final rule. There shall be a 110-day period for public comment with respect to the direct final rule. Not later than 10 days after the expiration of such 110-day period, the Secretary shall publish a notice responding to comments received with respect to the direct final rule. The Secretary shall withdraw a direct final rule promulgated pursuant to this paragraph within 120 days after publication in the Federal Register if the Secretary receives, with respect to the direct final rule, one or more adverse public comments or any alternate joint recommendation and, based on the rulemaking record, the Secretary determines that such adverse comments or alternate joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any applicable law. In such a case, the Secretary shall then proceed with the parallel notice of proposed rulemaking, and shall identify in a notice published in the Federal Register the reasons for the withdrawal of the direct final rule. A direct final rule that is withdrawn in accordance with this paragraph shall not be considered final for purposes of subsection (o)(1) of this section. No person shall be found in violation of this part for noncompliance with a direct final rule that is withdrawn under this paragraph, if that person has complied with the applicable standard in effect under this part immediately prior to issuance of that direct final rule.''.

(b) CONFORMING AMENDMENT.— Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended by inserting after ''section'' the first time it appears ''325(p)(5), section''.

SEC. 1008. CORRECTION OF LARGE AIR CONDITIONER RULE ISSUANCE CONSTRAINT.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding the following new paragraphs at the end:

''(22) The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment; factory assembled as a single package having its major components arranged vertically, which is an encased combination of cooling and optional heating components, is intended for exterior mounting on, adjacent interior to, or through an outside wall; and is powered by a single- or three-phase current. It may contain separate indoor grille(s), outdoor louvers, various ventilation options, indoor free air discharge, ductwork, well plenum, or sleeve. Heating components may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

''(23) The term 'single package vertical heat pump' means a single package vertical air conditioner that utilizes reverse cycle refrigeration as its primary heat source, that may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.''.

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in each of paragraphs (1) and (2), by inserting after ''heating equipment'' in the first sentence '', including single package vertical air conditioners and single package vertical heat pumps,'';

(2) in paragraph (1), by striking ''but before January 1, 2010,'';

(3) in paragraph (6)(A)(i), by striking ''January 1, 2010,'' and inserting ''October 24, 1992,'';

(4) in each of paragraphs (7), (8), and (9), by inserting after ''heating equipment'' in the first sentence '', excluding single package vertical air conditioners and single package vertical heat pumps,'';

(5) in paragraph (7)—

(A) by striking ''manufactured on or after January 1, 2010'';

(B) in each of subparagraphs (A), (B), and (C) , by adding at the beginning ''For equipment manufactured on or after January 1, 2010,''; and

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

''(D) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, the minimum seasonal energy efficiency ratio of air-cooled three-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0.

''(E) For equipment manufactured on or after the later of January 1, 2008, or the date

six months after enactment of this section, minimum seasonal energy efficiency ratio of air-cooled three-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0.

''(F) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7.

''(G) For equipment manufactured on or after the later of January 1, 2008, or the date six months after enactment of this section, the minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7.''; and

(6) by adding the following new paragraphs at the end:

''(10) Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

''(A) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

''(B) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0.

''(C) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

''(D) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

''(E) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0; and the minimum coefficient of performance in the heating mode shall be 3.0.

''(F) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0; and the minimum coefficient of performance in the heating mode shall be 3.0.

''(G) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9; and the minimum coefficient of performance in the heating mode shall be 3.0.

''(H) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6; and the minimum coefficient of performance in the heating mode shall be 2.9.

''(11) Not later than 36 months after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps according to the procedures established in paragraph (6).''.

SEC. 1009. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended to read as follows:

''(m) FURTHER RULEMAKING.—(1) Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish either—

''(A) a notice of the Secretary's determination that standards for that product do not need to be amended, based on the criteria in subsection (n)(2); or

''(B) a notice of proposed rulemaking including new proposed standards based on the criteria in subsection (o) and the procedures in subsection (p).

In either case, the Secretary shall also publish a notice stating that the Department's analysis is publicly available, and provide opportunity for written comment.

''(2) Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product. Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under paragraph (1)(A) or (B).

''(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 3 years after publication of the final rule establishing a standard, except that a manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required within the prior 6 years.

''(4) The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

''(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action set forth in this section; and

''(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No.05 Civ. 7807 and No.05 Civ. 7808.''.

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by amending the remainder of the paragraph to read as follows:

''(6)(A) If ASHRAE/IES Standard 90.1 is amended with respect to any small, large, or very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, the Secretary shall within 6 months publish in the Federal Register for public comment an analysis of the energy savings potential of the amended energy efficiency standards. The Secretary shall establish an amended uniform national standard for that product at the minimum level for each effective date specified in the amended ASHRAE/IES Standard 90.1 within 18 months of the ASHRAE amendment's publication, unless the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than such amended ASHRAE/IES Standard 90.1 for such product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(B) If the Secretary issues a rule containing such a determination, the rule shall establish such amended standard, and shall be issued within 30 months of the ASHRAE amendment's publication.

''(C)(i) Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish either—

''(I) a notice of the Secretary's determination that standards for that product do not need to be amended, based on the criteria in subparagraph (A); or

''(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures in subparagraph (B).

In either case, the Secretary shall also publish a notice stating that the Department's analysis is publicly available, and provide opportunity for written comment.

''(ii) Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product. Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under clause (i)(I) or (II).

''(iii) An amendment prescribed under this subparagraph shall apply to products manufactured after a date which is 3 years after publication of the final rule establishing a standard, except that a manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required within the prior 6 years.

''(iv) The Secretary shall promptly submit to the House Committee on Energy and Commerce and to the Senate Committee on Energy and Natural Resources a progress report every 180 days on compliance with this paragraph, including a specific plan to remedy any failures to comply with deadlines for action set forth in this paragraph.''.

SEC. 1010. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6923(b)(1)(A)) is amended by striking ''The Secretary may'' and all that follows through ''paragraph (3)'' and inserting ''At least every 7 years the Secretary shall review test procedures for all covered products and shall—

''(i) amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure''.

(b) INDUSTRIAL EQUIPMENT.—Section 343(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)(1)) is amended by striking ''The Secretary may'' and all that follows through ''this section'' and inserting ''At least every 7 years the Secretary shall conduct an evaluation of each class of covered equipment and—

''(B) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for such class in accordance with the provisions of this section; or

''(C) shall publish notice in the Federal Register of any determination not to amend a test procedure''.

SEC. 1011. TECHNICAL CORRECTIONS.

(a) Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58) is amended by striking ''C78.1–1978(R1984)'' and inserting ''C78.3–1978(R1984)''.

(b) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 135(c)(4) of the Energy Policy Act of 2005) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking ''CEILING FANS AND'';

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting ''fans sold for'' before ''outdoor''; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)'';

(ii) by striking clause (ii) and inserting the following:

''(ii) shall be packaged with lamps to fill all sockets.'';

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking ''327'' the second place it appears and inserting ''324''.

PART 2—LIGHTING EFFICIENCY

SEC. 1021. ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.

(a) AMENDMENTS.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)), is amended as follows:

(1) Delete subsection 30(D) in its entirety, and insert in its place:

''(D) The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that: is intended for general service applications; has a medium screw base; has a wattage rating no less than 25 watts and no greater than 150 watts; has a voltage range at least partially within 110 and 130 volts; has an A-15, A-19, A-21, A-23, A-25, PS-25, PS-30, BT-14.5, BT-15, CP-19, TB-19, CA-22, or equivalent shape as defined in ANSI C78.20-2003; and has a bulb finish of the frosted, clear, soft white, or modified (enhanced) spectrum type. The following incandescent lamps are not general service incandescent lamps:

''(i) appliance,

''(ii) black light,

''(iii) bug,

''(iv) colored,

''(v) infrared,

''(vi) left-hand thread,

''(vii) marine,

''(viii) marine signal service,

''(ix) mine service,

''(x) plant light,

''(xi) reflector,

''(xii) rough service,

''(xiii) shatter resistant,

''(xiv) sign service,

''(xv) silver bowl,

''(xvi) showcase,

''(xvii) three-way,

''(xviii) traffic signal, and

''(xix) vibration service or vibration resistant.''.

(2) Insert after paragraph 30(S) (42 U.S.C. 6291(30)(S)) the following new subparagraph:

''(T) The terms 'modified spectrum' or 'enhanced spectrum' lamp, as related to incandescent lamps, means an incandescent lamp that is not a colored incandescent lamp, and when operated at its rated voltage and wattage:

''(i) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l'Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the blackbody locus; and

''(ii) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage. The MacAdam steps are defined as referenced in IESNA LM16.

''(U) The terms 'vibration service lamp' or 'vibration resistant lamp' means a lamp with filament configurations similar to but not limited to C-5, C-7A, or C-9, as listed in Figure 6-12 of the 9th Edition of the IESNA Lighting Handbook. The lamp is designated and marketed specifically for vibration service or vibration resistant applications, has a maximum wattage of 60 watts, and is sold at retail in packages of 4 lamps or less. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being vibration resistant or vibration service.

''(V) The term 'rough service lamp' means a lamp that has a minimum of 5 supports with filament configurations similar to but not limited to C7A, C11, C17, and C22 as listed in Figure 6-12 of the 9th edition of the IESNA Lighting handbook, where lead wires are not counted as supports. The lamp is designated and marketed specifically for 'rough service' applications. The designation shall appear on the lamp packaging, and marketing materials shall identify the lamp as being for rough service.

''(W) The term 'three-way lamp' means an incandescent lamp that employs two filaments, operated separately and in combination, to provide three light levels. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being a three-way lamp.

''(X) The term 'appliance lamp' means any lamp specifically designed to operate in a household appliance with a maximum wattage of 40 watts and sold at retail. Examples of appliance lamps include oven lamps, refrigerator lamps, and vacuum cleaner lamps. Appliance lamps sold at retail shall be designated and marketed for the intended application. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being an appliance lamp.

''(Y) The term 'shatter-resistant lamp', 'shatter-proof lamp', or 'shatter-protected' means a lamp with a coating or equivalent technology compliant with NSF/ANSI 51, designed to contain glass in the event the glass envelop of the lamp is broken and provides effective containment over the life of the lamp. The lamp is designed and marketed specifically for applications where it is necessary to contain glass in the event the glass envelop of the lamp is broken. The designation shall be on the lamp packaging, and marketing material shall identify the lamp as being shatter-resistant, shatter-proof or shatter-protected.''.

(3) Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14), is amended by inserting after ''general service fluorescent lamps'' the following: ''general service incandescent lamps,''.

(4) Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)), is amended as follows:

(A) Insert in the heading of subsection (i) after ''GENERAL SERVICE FLUORESCENT LAMPS'' the following: ''GENERAL SERVICE INCANDESCENT LAMPS,''.

(B) Insert in subsection (i), paragraph (1)(A) (42 U.S.C. 6295(i)(1)(A)) after ''general service fluorescent lamps'' the following: ''general service incandescent lamps,''.

(C) Insert in subsection (i), paragraph (1)(A) (42 U.S.C. 6295(i)(1)(A)) after ''lamp efficacy'' the following: ''new maximum wattage,''.

(D) Insert in subsection (i), paragraph (1)(A) (42 U.S.C. 6295(i)(1)(A)) after the table titled ''incandescent reflector lamp'' the following table titled ''general service incandescent lamps'':

''CLEAR, INSIDE FROST, AND SOFT WHITE GENERAL SERVICE INCANDESCENT LAMPS

Common Wattage	Lumen Range	New Maximum Wattage	Effective Date
100	1490-2600	72	July 1, 2012.
75	1010-1489	53	January 1, 2014.
60	730-1009	43	January 1, 2015.
40	310-729	29	January 1, 2018.

''MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Common Wattage	Lumen Range	New Maximum Wattage	Effective Date
100	1118-1950	72	July 1, 2012
75	758-1117	53	January 1, 2014
60	548-757	43	January 1, 2015
40	232-547	29	January 1, 2018

''All lamps intended for general service (general illumination) applications (whether incandescent or not), with a medium screw base, and with a voltage range at least partially within 110 and 130 volts, and with no external bulb or with a bulb of the frosted,

clear, soft white, or modified spectrum types, and manufactured or imported after June 30, 2012 shall have a minimum rated life of 1000 hours and must have a color rendering index (CRI) greater than or equal to 80 for frosted, clear, and soft white lamps, or greater than or equal to 75 for modified spectrum lamps.''.

(F) Amend paragraph (1)(B) (42 U.S.C. 6295(i)(1)(B)) to read as follows: ''Unless a date is specified in the tables set forth in subparagraph (A), the term 'effective date' means the last day of the month set forth in the table which follows October 24, 1992.''.

(G) Amend paragraph (5) (42 U.S.C. 6295(5)) by deleting the term ''general service incandescent lamps''.

(H) Amend paragraphs (6) and (7) (42 U.S.C. 6295(i)(6) and (7)) as follows:

(i) Redesignate paragraph (6) as (7) and paragraph (7) as (8), respectively.

(ii) Insert a new paragraph (6) to read as follows:

''(6)(A) Not later than January 1, 2015, the Secretary shall initiate a rulemaking procedure to determine if standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattages than those set forth in subparagraph (1)(A). This rulemaking shall not be limited to incandescent lamp technologies. The Secretary will also determine whether the exemptions for certain incandescent lamps should be maintained or discontinued. The Secretary may also give consideration to the feasibility of obtaining an efficacy of up 60 lumens per watt in determining whether the standards should be amended. In the event the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017 with an effective date no earlier than three years from the date the final rule is published. The Secretary shall also consider phased-in effective dates after considering the impact of any amendment on manufacturers, retiring and re-purposing existing equipment, the cost impact of stranded investments, labor contracts, impact on workers, the cost of raw materials, and the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(B) Not later than January 1, 2020, the Secretary shall initiate another rulemaking procedure to determine if standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattages than those set forth in subparagraph (1)(A). This rulemaking shall not be limited to incandescent lamp technologies. The Secretary will also determine whether the exemptions for certain incandescent lamps should be maintained or discontinued. The Secretary may also give consideration to the feasibility of obtaining an efficacy of up 60 lumens per watt in determining whether the standards should be amended. In the event the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022 with an effective date no earlier than three years from the date a final rule is published. The Secretary may also consider phased-in effective dates after considering the impact of any amendment on manufacturers, retiring and re-purposing existing equipment, the cost impact of stranded investments, labor contracts, impact on workers, the cost of raw materials, and the time needed to work with retailers and lighting designers to revise sales and marketing strategies.''.

(I) Amend section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)), by adding at the end a new paragraph (4) as follows:

''(4) The Secretary shall prescribe an energy efficiency standard for rough service, vibration service, three-way A-line lamps, 150 watt A-line lamps, and shatter-resistant lamps, only under the following circumstances:

''(A) Within 60 days following the date of enactment of the Energy Efficiency Improvement Act of 2007, the Secretary, in consultation with the National Electrical Manufacturers Association, shall collect annual United States unit sales for the calendar years 1990-2006 for each of these four types of lamps to determine their historical growth rate and construct a model for each type of lamp based on coincident economic indicators that closely matches the historical annual growth rate of these lamps to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

''(B) Beginning in calendar year 2010 and for each calendar year through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall collect actual United States unit sales data for these five types of lamps and calculate a rolling 3-year average sales rate for each type of lamp.

''(C) The first year that the reported 3-year average shows actual unit sales of rough service lamps achieving levels at least 100 percent higher than modeled unit sales for that same year, then the Secretary is directed to issue a finding that the index has been exceeded. The Secretary is directed to issue that finding within 90 days of the end of the previous calendar year, and within 12 months from the end of the previous calendar year for which the Secretary issues that finding, the Secretary shall complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps. If the Secretary fails to complete an accelerated rulemaking within 12 months as required, the Secretary shall require a shatter proof coating or equivalent compliant with NSF/ANSI 51, designed to contain glass in the event the glass envelop of the lamp is broken and provides effective containment over the life of the lamp, on rough service lamps, which can only sold at retail in packages of one lamp, effective one year from the end of the rulemaking period.

''(D) The first year that the reported 3-year average shows actual unit sales of vibration service lamps achieving levels at least 100 percent higher than modeled unit sales for that same year, then the Secretary is directed to issue a finding that the index has been exceeded. The Secretary is directed to issue that finding within 90 days of the end of the previous calendar year, and within 12 months from the end of the previous calendar year for which the Secretary issues that finding, the Secretary shall complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps. If the Secretary fails to complete an accelerated rulemaking within 12 months as required, the Secretary shall impose a maximum 40W cap upon vibration service lamps, effective one year from the end of the rulemaking period.

''(E) The first year that the reported 3-year average shows actual unit sales of three-way lamps achieving levels at least 100 percent higher than modeled unit sales for that same year, then the Secretary is directed to issue a finding that the index has been exceeded. The Secretary is directed to issue that finding within 90 days of the end of the previous calendar year, and within 12 months from the end of the previous calendar year for which the Secretary issues that finding, the Secretary shall complete an accelerated rulemaking to establish an energy conservation standard for three-way lamps. If the Secretary fails to complete an accelerated rulemaking within 12 months as required, the Secretary shall impose a requirement that each filament in the lamp meet the new maximum wattage requirements for the respective lumen range set forth in paragraph (1)(A), effective one year from the end of the rulemaking period.

''(F) The first year that the reported 3-year average shows actual unit sales of 150 watt A-line lamps for the lumen range of 2601-3300 lumens (or for modified spectrum lumen range of 1951-2475 lumens) achieving levels at least 100 percent higher than modeled unit sales for that same year, then the Secretary is directed to issue a finding that the index has been exceeded. The Secretary is directed to issue that finding within 90 days of the end of the previous calendar year, and within 12 months from the end of the previous calendar year for which the Secretary issues that finding, the Secretary shall complete an accelerated rulemaking to establish an energy conservation standard for 150 watt A-line lamps. If the Secretary fails to complete an accelerated rulemaking within 12 months as required, the Secretary shall impose a maximum 95 watt cap upon these products for the lumen range of 2601-3300 lumens, which must be sold in packages of one lamp. For modified spectrum lamps, a 95 watt cap applies for products in the lumen range of 1951-2475 lumens, which must be sold in packages of one lamp.

''(G) The first year that the reported 3-year average shows actual unit sales of shatter resistant lamps achieving levels at least 100 percent higher than modeled unit sales for that same year, then the Secretary is directed to issue a finding that the index has been exceeded. The Secretary is directed to issue that finding within 90 days of the end of the previous calendar year, and within 12 months from the end of the previous calendar year for which the Secretary issues that finding, the Secretary shall complete an accelerated rulemaking to establish an energy conservation standard for shatter resistant lamps. If the Secretary fails to complete an accelerated rulemaking within 12 months as required, the Secretary shall require shatter resistant lamps sold at retail in only packages of one lamp, effective one year from the end of the rulemaking period.

''(H) If the Secretary issues a final rule prior to 2025 establishing an energy conservation standard for any of the five types of lamps for which data collection is required by this subsection, the requirement of this subsection to collect and model data for that type of lamp shall terminate, except in the case where the Secretary imposes a requirement established by the provisions of this subsection as a result of a failure to complete an accelerated rulemaking within 12 months, in which case the data collection and modeling shall continue for another two years after the effective date of that requirement.''.

(b) CONSUMER EDUCATION AND LAMP LABELING.—

(1) Section 324(a)(2)(C) of the Energy Policy and Conservation Act is amended by adding at the end the following new clauses:

''(iii) Within 180 days of the date of enactment of this section, the Commission shall initiate a rulemaking to consider the effectiveness of current lamp labeling for power levels (watts), light output (lumens), and lamp lifetime, and to consider alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base their purchase decisions on the most appropriate lamp product that meets their requirements for lighting level,

light quality, lamp lifetime, and total lifecycle cost. The Commission shall complete this rulemaking within two years of enactment of this section, and shall consider re-opening the rulemaking within 180 days prior to the effective dates of the standards for general service incandescent lamps established in section 325(i)(1)(A) (42 U.S.C. 6295(i)(1)(A)), if it determines that further labeling changes are needed to help consumers understand lamp alternatives.

''(iv) The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary determines to be appropriate, shall—

''(I) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and non-residential consumers, and to better understand the degree to which consumer decision-making is based on lamp power levels (watts), light output (lumens), lamp lifetime, and other factors including but not limited to the information required on FTC-mandated labels;

''(II) provide the results of this market assessment to the FTC for consideration in the rulemaking described in subsection (a); and

''(III) carry out, in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties a proactive national program of consumer awareness, information, and education that broadly utilizes the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet their needs.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the amendments made by this section $10,000,000 for each of the fiscal years 2008 through 2012, to remain available until expended.

(c) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended in the second sentence by inserting after ''shall be brought by the Secretary'' the following: ''; and any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 325(i) of this title may also be brought by an attorney general of a State in the name of the State.''.

(d) OTHER PROVISIONS.—Section 327(b) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)) is amended by inserting before the semicolon at the end of paragraph (1) '', or in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, was adopted by the California Energy Commission or by the State of Nevada before July 27, 2007, or in the case of any portion of any regulation that incorporates the specific lumen ranges and new maximum wattages established in section 325(i)(1)(A) for (i) general service incandescent lamps in the lumen range 1490-2600 lumens and establishes an effective date no earlier than July 1, 2012, or (ii) general service incandescent lamps in the lumen ranges 1010-1489 lumens, 730-1009 lumens, and 310-729 lumens and establishes an effective date no earlier than 1 year prior to the effective date established for such lamps in section 325(i)(1)(A), adopted by the California Energy Commission no later than two years prior to the effective date established for such lamps in section 325(i)(1)(A)''.

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon; and

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

''(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter designed to allow a lamp that does not have a medium screw base, with a voltage range at least partially within 110 and 130 volts, to be installed into a fixture or lampholder with a medium screw base socket.''.

SEC. 1022. INCANDESCENT REFLECTOR LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is greater than 40 watts.''; and

(2) by adding at the end the following:

''(52) The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(53)(A) The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1—1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21—1989, including the referenced reflective characteristics in part 7 of ANSI C78.21.

''(B) The term 'BR30' refers to a BR incandescent reflector lamp with a diameter of 30/8ths of an inch and the term 'BR40' refers to a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54)(A) The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1—1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21—1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) The term 'ER30' refers to an ER incandescent reflector lamp with a diameter of 30/8ths of an inch and the term 'ER40' refers to an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as specified in subparagraphs (C) and (D), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp, as specified in the table, that follows the date of enactment of the Energy Efficiency Improvement Act of 2007.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less of the following types: ER30, BR30, BR40, and ER40 lamps.

''(ii) Lamps rated at 65 watts of the following types: BR30, BR40, and ER40 lamps.

''(iii) R20 incandescent reflector lamps of 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—Except as provided in subparagraph (A), the standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 1023. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

''(57) The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

''(58) The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

''(59) The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

''(60) The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

''(61) The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse start metal halide lamp with high voltage pulses. Lamps are started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge. To complete the starting process, power is provided by the ballast to sustain the discharge through the glow-to-arc transition.

''(62) The term 'probe-start metal halide ballast' means a ballast that starts a probe start metal halide lamp which contains a third starting electrode (probe) in the arc tube. This ballast does not generally contain an igniter and instead starts lamps with high ballast open circuit voltage.

''(63) The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

''(64) The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

''(65) The term 'ballast efficiency' for a high intensity discharge fixture means the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated by Efficiency = Pout/Pin, as measured. Pout is the measured operating lamp wattage, and Pin is the measured operating input wattage. The lamp, and the capacitor when it is provided, is to constitute a nominal system in accordance with the ANSI Standard C78.43-2004. Pin and Pout are to be measured after lamps have been stabilized according to Section 4.4 of ANSI Standard C82.6-2005 using a wattmeter with accuracy specified in Section 4.5 of ANSI Standard C82.6-2005 for ballasts with a frequency of 60 Hz, and shall have a basic accuracy of ± 0.5 percent at the higher of—

''(A) three times the output operating frequency of the ballast; or

''(B) 2 kHz for ballast with a frequency greater than 60 Hz.

The Secretary may, by rule, modify this definition if he determines that such modification is necessary or appropriate to carry out the purposes of this Act.''.

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

''(19) Metal halide lamp fixtures.''.

(c) TEST PROCEDURES.—Section 323(c) of the Energy Policy and Conservation Act (42 U.S.C. 6293(c)) is amended by adding at the end the following:

''(17) Test procedures for metal halide lamp ballasts shall be based on American National Standards Institute Standard C82.6-2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.''.

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) The Commission shall prescribe labeling rules under this section applicable to the covered product specified in paragraph (19) of section 322(a) and to which standards are applicable under section 325. Such rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or nine months after enactment of this subparagraph, will indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in such fixture.''.

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

(1) by redesignating subsection (gg) as subsection (hh);

(2) by inserting after subsection (ff) the following:

''(gg) METAL HALIDE LAMP FIXTURES.—

''(1)(A) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

''(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

''(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

''(iii) a non-pulse-start electronic ballast with a minimum ballast efficiency of 92 percent for wattages greater than 250 watts and a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

''(B) The standards in subparagraph (A) do not apply to fixtures with regulated lag ballasts, fixtures that use electronic ballasts that operate at 480 volts, or fixtures that meet all of the following criteria:

''(i) Rated only for 150 watt lamps.

''(ii) Rated for use in wet locations as specified by the National Electrical Code 2002, Section 410.4(A).

''(iii) Contain a ballast that is rated to operate at ambient air temperatures above 50 °C as specified by UL 1029-2001.

''(C) The standard in subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of January 1, 2009, or 9 months after the date of enactment of this subsection.

''(2) Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended. Such final rule shall contain the amended standards, if any, and shall apply to products manufactured after January 1, 2015.

''(3) Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended. Such final rule shall contain the amended standards, if any, and shall apply to products manufactured after January 1, 2022.

''(4) Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements.''; and

(3) in subsection (hh), as so redesignated by paragraph (1) of this subsection, by striking ''(ff)'' both places it appears and inserting ''(gg)''.

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) by striking the period at the end of paragraph (8)(B) and inserting ''; and''; and

(2) by adding at the end the following:

''(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011. If the Secretary fails to issue a final rule within 6 months after the deadlines for rulemakings in section 325(gg) then, notwithstanding any other provision of this section, preemption does not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before July 1, 2015, if the Secretary misses the deadline specified in paragraph (2) of section 325(gg), or on or before July 11, 2022, if the Secretary misses the deadline specified in paragraph (3) of section 325(gg).''.

SEC. 1024. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.

(a) IN GENERAL.—Chapter 33 of title 40, United States Code, is amended—

(1) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(2) by inserting after section 3312 the following:

''§ 3313. Use of energy efficient lighting fixtures and bulbs

''(a) CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS.—Each public building constructed or significantly altered by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible as

determined by the Administrator, with a lighting fixture or bulb that is energy efficient.

''(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

''(1) the life cycle cost effectiveness of the fixture or bulb;

''(2) the compatibility of the fixture or bulb with existing equipment;

''(3) whether use of the fixture or bulb could result in interference with productivity;

''(4) the aesthetics relating to use of the fixture or bulb; and

''(5) such other factors as the Administrator determines appropriate.

''(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

''(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

''(2) in the case of all LED luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if these luminaires, lamps, and systems have not received such certification; or

''(3) the Administrator has otherwise determined that the fixture or bulb is energy efficient.

''(e) SIGNIFICANT ALTERATIONS.—A public building shall be treated as being significantly altered for purposes of subsection (a) if the alteration is subject to congressional approval under section 3307.

''(f) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 40, United States Code, is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

''3313. Use of energy efficient lighting fixtures and bulbs.
''3314. Delegation.
''3315. Report to Congress.
''3316. Certain authority not affected.''.

SEC. 1025. PROTECTING CHILDREN AND SENSITIVE PERSONS FROM MERCURY.

Notwithstanding any requirements to increase energy efficient lighting in public buildings, no school, hospital, nursing home, or daycare center can be compelled to install or utilitze such energy efficient lighting technology if that energy efficient lighting technology contains mercury.

PART 3—RESIDENTIAL WEATHERIZATION

SEC. 1031. BASELINE BUILDING DESIGNS.

Section 327(f)(3)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)(3)(D)) is amended to read as follows:

''(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which—

''(i) meets but does not exceed such standard;

''(ii) is the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d) of this section; or

''(iii) is a level that, when evaluated in the baseline building design, the State has found to be feasible and cost-effective.''.

SEC. 1032. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) AMENDMENT.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008'' and inserting ''$600,000,000 for fiscal year 2007, and $750,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012. From those sums, the Secretary is authorized to initiate an Alternative Delivery System Pilot Project to examine options for decreasing energy consumption associated with heating and cooling while increasing household participation by focusing on key energy saving components. Alternative Delivery System Pilot Projects should be undertaken in both hot and cold urban areas''.

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—(1) The Secretary of Energy may make funding available to local Weatherization agencies from amounts authorized under the amendment made by subsection (a) to expand the weatherization assistance program for residential buildings to include materials, benefits, and renewable and domestic energy technologies not currently covered by the program, provided that the State Weatherization grantee has certified that the applicant has the capacity to carry out the proposed activities and that the grantee will include the project in its financial oversight of the Weatherization Assistance program.

(2) In selecting the grants, the program shall give priority to—

(A) the expected effectiveness and benefits of the proposed project to low- and moderate income energy consumers;

(B) the potential for replication of successful results;

(C) the impact on the health and safety and energy costs of those served; and

(D) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships.

(3) Funding for such projects may equal up to two percent of funding in any fiscal year, provided that no funding is utilized for Sustainable Energy Resources for Consumers grants in any fiscal year in which Weatherization appropriations are less than $275,000,000.

PART 4—COMMERCIAL AND FEDERAL BUILDING EFFICIENCY

SEC. 1041. DEFINITIONS.

In this part:

(1) FEDERAL FACILITY.—

(A) IN GENERAL.—The term ''Federal facility'' means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term ''Federal facility'' does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(2) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building that, during its life-cycle—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality including, reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Secretary considers to be appropriate.

(3) LIFE-CYCLE.—The term ''life-cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(4) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(5) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(6) PRACTICES.—The term ''practices'' mean design, financing, permitting, construction, commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy commercial buildings.

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

(8) ZERO-NET-ENERGY.—The term ''zero-net-energy commercial building'' means a building that is designed, constructed, and operated to—

(A) produce on site and distribute as much energy on an annual basis as it uses from external sources;

(B) result in no net emissions of greenhouse gases; and

(C) be economically viable to construct and operate, through a combination of ultra energy-efficient building materials and equipment, effective control systems, and onsite power generation from renewable or other energy sources; and

SEC. 1042. HIGH-PERFORMANCE GREEN BUILDINGS.

(a) POLICY.—It shall be the policy of the United States that all Federal buildings shall be high-performance green buildings, to

the extent that it is cost-justified. The Secretary shall provide technical assistance to other departments and agencies to achieve this policy.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall submit to Congress a report that—

(1) describes the status of the green building initiatives by the Department and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out; and

(B) the status of funding requests and appropriations for those programs;

(2) summarizes and highlights development, at the State and local level, of green building initiatives, including executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(3) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraph (1) of this subsection.

SEC. 1043. ZERO-NET-ENERGY COMMERCIAL BUILDINGS GOAL.

(a) GOAL.—The Secretary, in collaboration with stakeholders, shall study, refine, and adopt a national goal to reduce commercial building energy use and achieve zero-net-energy commercial buildings. Unless the Secretary concludes that such targets are unachievable or unrealistic or not cost effective, the goal shall include the objective that all new commercial buildings constructed after the beginning of 2025 are zero-net-energy commercial buildings.

(b) FEDERAL COMPLIANCE WITH GOAL.—The Secretary shall further identify and adopt a strategy of development and widespread deployment of technologies, practices, and policies leading to zero-net-energy performance for all Federal buildings in accordance with the adopted goal.

SEC. 1044. PUBLIC OUTREACH.

The Secretary shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, particularly tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such other methods as are determined by the Secretary to be appropriate;

(7) surveying existing research and studies relating to high-performance green buildings;

(8) coordinating activities of common interest;

(9) developing and recommending a high-performance green building practices that—

(A) identify information and research needs, including the relationships between health, occupant productivity, and each of—

(i) pollutant emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promote the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(10) assisting the budget and life-cycle costing functions;

(11) studying and identifying potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(12) supporting other research initiatives determined by the Secretary.

SEC. 1045. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Secretary shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future green building initiatives.

SEC. 1046. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility—

(A) to employ integrated design principles;

(B) to improve site selection for environmental and community benefits;

(C) to optimize building and systems energy performance;

(D) to protect and conserve water;

(E) to enhance indoor environmental quality; and

(F) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that—

(A) are energy-efficient; and

(B) to the maximum extent practicable, have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director of the Office of Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 1047. DEMONSTRATION PROJECT.

The Secretary shall develop guidelines and best practices to implement Federal high-performance green buildings.

SEC. 1048. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) IN GENERAL.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy and Administrator of the Environmental Protection Agency shall jointly, after consulting with information technology industry and other interested parties, initiate a voluntary national information program for those types of data centers and data center equipment and facilities that are widely used and for which there is a potential for significant data center energy savings as a result of such program.

(2) Such program shall—

(A) consistent with the objectives of paragraph (1), determine the type of data center and data center equipment and facilities to be covered under such program; and

(B) include specifications, measurements, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that—

(i) reflect the total energy consumption of data centers, including both equipment and facilities, taking into account—

(I) the performance and utilization of servers, data storage devices, and other information technology equipment;

(II) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems;

(III) energy savings from the adoption of software and data management techniques; and

(IV) other factors determined by the organization described in subsection (b);

(ii) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics determined by the organization described in subsection (b);

(iii) advance the design and implementation of efficiency technologies to the maximum extent economically practical; and

(iv) provide to data center operators in the private sector and the Federal Government information about best practices and purchasing decisions that reduce the energy consumption of data centers;

(C) publish the information described in subparagraph (B), which may be disseminated through catalogs, trade publications, the Internet, or other mechanisms, that will allow data center operators to assess the energy consumption and potential cost savings of alternative data centers and data center equipment and facilities; and

(D) not later than 1 year after the date of enactment of this Act, and thereafter on an ongoing basis, transmit the information described in subparagraph (B) to the Secretary and the Administrator.

(3) Such program shall be developed and coordinated by the data center efficiency organization described in subsection (b) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(b) DATA CENTER EFFICIENCY ORGANIZATION.—Upon creation of the program under subsection (a), the Secretary and the Administrator shall jointly designate an information technology industry organization to coordinate the program. Such organization shall—

(1) consist of interested parties that have expertise in energy efficiency and in the development, operation, and functionality of computer data centers, information technology equipment, and software, as well as representatives of hardware manufacturers, data center operators, and facility managers;

(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise in any of the areas listed in paragraph (1) of this subsection;

(3) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(4) have a mission to develop and promote energy efficiency for data centers and information technology; and

(5) have the primary responsibility to oversee the development and publishing of the information, measurements, and benchmarks described in subsection (a) and transmission of such information to the Secretary and the Administrator for their adoption under subsection (c).

(c) ADOPTION OF SPECIFICATIONS.—The Secretary and the Administrator shall jointly, in accordance with the requirements of section 12(d) of the National Technology Transfer Advancement Act of 1995, adopt and publish the specifications, measurements, and benchmarks described in subsection (a) for use by the Federal Energy Management Program and the Energy Star program as energy efficiency requirements for the purposes of those programs.

(d) MONITORING.—The Secretary and the Administrator shall jointly monitor and evaluate the efforts to develop the program described in subsection (a) and, not later than 3 years after the date of enactment of this Act, shall make a determination as to whether such program is consistent with the objectives of subsection (a).

(e) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (d) that a voluntary national information program for data centers consistent with the objectives of subsection (a) has not been developed, the Secretary and the Administrator shall jointly, after consultation with the National Institute of Standards and Technology, develop, not later than 2 years after such determination, and implement the program under subsection (a).

(f) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary, the Administrator, or the data center efficiency organization shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this program.

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

(1) The term ''data center'' means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure,

that utilizes environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) The term ''data center operator'' means any person or government entity that builds or operates a data center or purchases data center services, equipment, and facilities.

SEC. 1049. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts authorized under subsection (b), there are authorized to be appropriated to carry out this part—

(1) $10,000,000 for fiscal year 2008; and

(2) $20,000,000 for each of the fiscal years 2009 through 2014,

to remain available until expended.

(b) ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.—There are authorized to be appropriated to each of the Secretary and the Administrator for carrying out section 1048 $250,000 for each of the fiscal years 2008 through 2012.

PART 5—INDUSTRIAL ENERGY EFFICIENCY

SEC. 1061. INDUSTRIAL ENERGY EFFICIENCY.

(a) AMENDMENT.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by adding the following after part D:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"SEC. 371. SURVEY OF WASTE INDUSTRIAL ENERGY RECOVERY AND POTENTIAL USE.

''Congress finds that—

''(1) the Nation should encourage the use of otherwise wasted energy and the development of combined heat and power and other waste energy recovery projects where there is wasted thermal energy in large volumes at potentially useful temperatures;

''(2) such projects would increase energy efficiency and lower pollution by generating power with no incremental fossil fuel consumption;

''(3) because recovered waste energy and combined heat and power projects are associated with end-uses of thermal energy and electricity at the local level, they help avoid new transmission lines, reduce line losses, reduce local air pollutant emissions, and reduce vulnerability to extreme weather and terrorism; and

''(4) States, localities, electric utilities, and other electricity customers may benefit from private investments in recovered waste energy and combined heat and power projects at industrial and commercial sites by avoiding generation, transmission and distribution expenses, and transmission line loss expenses that may otherwise be required to be recovered from ratepayers.

"SEC. 372. DEFINITIONS.

''For purposes of this Part:

''(1) The term 'Secretary' means the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission.

''(2) The term 'waste energy' means__

''(A) exhaust heat and flared gases from any industrial process;

''(B) waste gas or industrial tail gas that would otherwise be flared, incinerated or vented;

''(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

''(D) such other forms of waste energy as the Secretary may identify.

''(3) The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of existing facilities or addition of new facilities.

''(4) The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in amounts exceeding the total consumption of electricity at the specific time of generation on the site where the facility is located.

''(5) The term 'useful thermal energy' is energy in the forms of direct heat, steam, hot water, or other thermal forms that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements, and for which fuel or electricity would otherwise be consumed.

''(6) The term 'combined heat and power system' means a facility—

''(A) that simultaneously and efficiently produces useful thermal energy and electricity; and

''(B) that recovers not less than 60 percent of the energy value in the fuel (on a lower-heating-value basis) in the form of useful thermal energy and electricity.

''(7) The terms 'electric utility', 'State regulated electric utility', 'nonregulated electric utility' and other terms used in this Part have the same meanings as when such terms are used in title I of the Public Utility Regulatory Policies Act of 1978 (relating to retail regulatory policies for electric utilities).

"SEC. 373. SURVEY AND REGISTRY.

''(a) RECOVERABLE WASTE-ENERGY INVENTORY PROGRAM.—The Secretary, in cooperation with State energy offices, shall establish a Recoverable Waste-Energy Inventory Program. The program shall include an ongoing survey of all major industrial and large commercial combustion sources in the United States and the sites where these are located, together with a review of each for quantity and quality of waste energy.

''(b) CRITERIA.—The Secretary shall, within 120 days after the enactment of this section, develop and publish proposed criteria subject to notice and comment, and within 270 days of enactment, establish final criteria, to identify and designate those sources and sites in the inventory under subsection (a) where recoverable waste energy projects or combined heat and power system projects may have economic feasibility with a payback of invested costs within 5 years or less from the date of first full project operation (including incentives offered under this Part). Such criteria will include standards that insure that projects proposed for inclusion in the Registry are not developed for the primary purpose of making sales of excess electric power under the regulatory treatment provided under this Part.

''(c) TECHNICAL SUPPORT.—The Secretary shall provide to owners or operators of combustion sources technical support and offer partial funding (up to one-half of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at that source would offer a payback period of 5 years or less.

''(d) REGISTRY.—(1) The Secretary shall, within one year after the enactment of this section, establish a Registry of Recoverable Waste-energy Sources, and sites on which those sources are located, which meet the criteria set forth under subsection (b). The Secretary shall update the Registry on not less than a monthly basis, and make the Registry accessible to the public on the Environmental Protection Agency web site. Any State or electric utility may contest the listing of any source or site by submitting a petition to the Secretary.

''(2) The Secretary shall register and include on the Registry all sites meeting the criteria of subsection (b). The Secretary shall calculate the total amounts of potentially recoverable waste energy from sources at such sites, nationally and by State, and shall make such totals public, together with information on the air pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed in the Registry.

''(3) The Secretary shall notify owners or operators of Recoverable Waste-Energy

Sources and sites listed in the Registry prior to publishing the listing. The owner or operator of sources at such sites may elect to have detailed quantitative information concerning that site not made public by notifying the Secretary of that election. Information concerning that site shall be included in State totals unless there are fewer than 3 sites in the State.

''(4) As waste energy projects achieve successful recovery of waste energy, the Secretary shall remove the related sites or sources from the Registry, and shall designate the removed projects as eligible for the incentive provisions provided under this Part and the regulatory treatment required by this Part. No project shall be removed from the Registry without the consent of the owner or operator of the project if the owner or operator has submitted a petition under section 375 and such petition has not been acted upon or denied.

''(5) The Secretary shall not list any source constructed after the date of the enactment of this Part on the Registry if the Secretary determines that such source—

''(A) was developed for the primary purpose of making sales of excess electric power under the regulatory treatment provided under this Part; or

''(B) does not capture at least 60 percent of the total energy value of the fuels used (on a lower-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or some combination of them.

''(e) SELF-CERTIFICATION.—Owners, operators, or third-party developers of industrial waste-energy projects that qualify under standards established by the Secretary may self-certify their sites or sources to the Secretary for inclusion in the Registry, subject to procedures adopted by the Secretary. To prevent a fraudulent listing, the sources shall be included on the Registry only if the Secretary confirms the submitted data, at the Secretary's discretion.

''(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the enactment of this Part, to the extent it may constitute a site with recoverable waste energy that may qualify for the Registry, the Secretary may elect to include it in the Registry at the request of its owner or operator or developer on a conditional basis, removing the site if its development ceases or it if fails to qualify for listing under this Part.

''(g) OPTIMUM MEANS OF RECOVERY.—For each site listed in the Registry, at the request of the owner or operator of the site, the Secretary shall offer, in cooperation with Clean Energy Application Centers operated by the Secretary of Energy, suggestions of optimum means of recovery of value from waste energy stream in the form of electricity, useful thermal energy, or other energy-related products.

''(h) REVISION.—Each annual State report under section 548(a) of the National Energy Conservation Policy Act shall include the results of the survey for that State under this section.

''(i) AUTHORIZATION.—There are authorized to be appropriated to the Secretary for the purposes of creating and maintaining the Registry and services authorized by this section not more than $1,000,000 for each of fiscal years 2008, 2009, 2010, 2010, and 2012 and not more than $5,000,000 to the States to provide funding for State energy office functions under this section.

''SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, UTILIZATION AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

''(a) CONSIDERATION OF STANDARD.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which it has rate-making authority), or nonregulated electric utility, of a request from a project sponsor or owner or operator, the State regulatory authority or nonregulated electric utility shall provide public notice and conduct a hearing respecting the standard established by subsection (b) and, on the basis of such hearing, shall consider and make a determination whether or not it is appropriate to implement such standard to carry out the purposes of this Part. For purposes of any such determination and any review of such determination in any court the purposes of this section supplement otherwise applicable State law. Nothing in this Part prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to adopt any such standard, pursuant to its authority under otherwise applicable State law.

''(b) STANDARD FOR SALES OF EXCESS POWER.—For purposes of this section, the standard referred to in subsection (a) shall provide that an owner or operator of a waste energy recovery project identified on the Registry who generates net excess power shall be eligible to benefit from at least one of the options described in subsection (c) for disposal of the net excess power in accordance with the rate conditions and limitations described in subsection (d).

''(c) OPTIONS.—The options referred to in subsection (b) are as follows:

''(1) SALE OF NET EXCESS POWER TO UTILITY.—The electric utility shall purchase the net excess power from the owner or operator of the eligible waste-energy recovery project during the operation of the project under a contract entered into for that purpose.

''(2) TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTY.—The electric utility shall transmit the net excess power on behalf of the project owner or operator to up to three separate locations on that utility's system for direct sale by that owner or operator to third parties at such locations.

''(3) TRANSPORT OVER PRIVATE TRANSMISSION LINES.—The State and the electric utility shall permit, and shall waive or modify such laws as would otherwise prohibit, the construction and operation of private electric wires constructed, owned and operated by the project owner or operator, to transport such power to up to 3 purchasers within a 3-mile radius of the project, allowing such wires to utilize or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according such wires the same treatment for safety, zoning, land-use and other legal privileges as apply or would apply to the utility's own wires, except that—

''(A) there shall be no grant of any power of eminent domain to take or cross private property for such wires, and

''(B) such wires shall be physically segregated and not interconnected with any portion of the utility's system, except on the customer's side of the utility's revenue meter and in a manner that precludes any possible export of such electricity onto the utility system, or disruption of such system.

''(4) AGREED UPON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and its associated payments or rates that is mutually satisfactory and in accord with State law.

''(d) RATE CONDITIONS AND CRITERIA.—

''(1) IN GENERAL.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions reflecting the rate components defined under paragraph (2) of this subsection as applicable under the circumstances described in paragraph (3) of this subsection.

''(2) RATE COMPONENTS.—For purposes of this section:

''(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means the utility's depreciated book-value distribution system costs divided by the previous year's volume of utility electricity sales or transmission at the distribution level in kilowatt hours.

''(B) PER UNIT DISTRIBUTION MARGIN.—The term 'per unit distribution margin' means:

''(i) In the case of a State regulated electric utility, a per-unit gross pretax profit determined by multiplying the utility's State-approved percentage rate of return for distribution system assets by the per unit distribution costs.

''(ii) In the case of an nonregulated utility, a per unit contribution to net revenues determined by dividing the amount of any net revenue payment or contribution to the nonregulated utility's owners or subscribers in the prior year by the utility's gross revenues for the prior year to obtain a percentage (but not less than 10 percent) and multiplying that percentage by the per unit distribution costs.

''(C) PER UNIT TRANSMISSION COSTS.—The term 'per unit transmission costs' means the total cost of those transmission services purchased or provided by a utility on a per-kilowatt-hour basis as included in that utility's retail rate.

''(3) APPLICABLE RATES.—

''(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—Sales made by a project owner or operator under the option described in subsection (c) (1) shall be paid for on a per kilowatt hour basis that shall equal the full undiscounted retail rate paid to the utility for power purchased by such a facility *minus* per unit distribution costs, as applicable to the type of utility purchasing the power. If the net excess power is made available for purchase at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be available for resale by the utility, then the purchase price shall further be reduced by per unit transmission costs.

''(B) RATES APPLICABLE TO TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTIES.—Transportation by utilities of power on behalf of the owner or operator of a project under the option described in subsection (c)(2) shall incur a transportation rate equal to the per unit distribution costs and per unit distribution margin, as applicable to the type of utility transporting the power. If the net excess power is made available for transportation at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be transported to the designated third-party purchasers, then the transport rate shall further be increased by per unit transmission costs. In States with competitive retail markets for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

''(4) LIMITATIONS.—(A) Any rate established for sale or transportation under this section shall be modified over time with changes in the electric utility's underlying costs or rates, and shall reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

''(B) No utility shall be required to purchase or transport an amount of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

''(e) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.—(1) The consideration referred to in subsection (b)

shall be made after public notice and hearing. The determination referred to in subsection (b) shall be—

''(A) in writing,

''(B) based upon findings included in such determination and upon the evidence presented at the hearing, and

''(C) available to the public.

''(2) The Secretary may intervene as a matter of right in a proceeding conducted under this section and may calculate the energy and emissions likely to be saved by electing to adopt one or more of the options, as well as the costs and benefits to ratepayers and the utility and to advocate for the waste-energy recovery opportunity.

''(3) Except as otherwise provided in paragraph (1), and paragraph (2), the procedures for the consideration and determination referred to in subsection (a) shall be those established by the State regulatory authority or the nonregulated electric utility. In the instance that there is more than one project seeking such consideration simultaneously in connection with the same utility, such proceeding may encompass all such projects, provided that full attention is paid to their individual circumstances and merits, and an individual judgment is reached with respect to each project.

''(f) IMPLEMENTATION.—(1) The State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

''(A) implement the standard determined under this section, or

''(B) decline to implement any such standard.

''(2) If a State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, such authority or nonregulated electric utility shall state in writing the reasons therefor. Such statement of reasons shall be available to the public, and the Secretary shall include the project in an annual report to Congress concerning lost opportunities for waste-heat recovery, specifically identifying the utility and stating the amount of lost energy and emissions savings calculated. If a State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to such project at any time after 24 months after the date on which the State regulatory authority or nonregulated utility has declined to implement such standard.

''SEC. 375. CLEAN ENERGY APPLICATION CENTERS.

''(a) PURPOSE.—The purpose of this section is to rename and provide for the continued operation of the United States Department of Energy's Regional Combined Heat and Power (CHP) Application Centers.

''(b) FINDINGS.—The Congress finds the Department of Energy's Regional Combined Heat and Power (CHP) Application Centers program has produced significant energy savings and climate change benefits and will continue to do so through the deployment of clean energy technologies such as Combined Heat and Power (CHP), recycled waste energy and biomass energy systems, in the industrial and commercial energy markets.

''(c) RENAMING.—The Combined Heat and Power Application Centers at the Department of Energy are hereby be redesignated as Clean Energy Application Centers. Any reference in any law, rule or regulation or publication to the Combined Heat and Power Application Centers shall be treated as a reference to the Clean Energy Application Centers.

''(d) RELOCATION.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to assure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary of Energy shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy. The Office of Electricity Delivery and Energy Reliability shall continue to perform work on the role of such technology in support of the grid and its reliability and security, and shall assist the Clean Energy Application Centers in their work with regard to the grid and with electric utilities.

''(e) GRANTS.—

''(1) IN GENERAL.—The Secretary of Energy shall make grants to universities, research centers, and other appropriate institutions to assure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of the date of the enactment of this section):

''(A) Gulf Coast.

''(B) Intermountain.

''(C) Mid-Atlantic.

''(D) Midwest.

''(E) Northeast.

''(F) Northwest.

''(G) Pacific.

''(H) Southeast.

''(2) ESTABLISHMENT OF GOALS AND COMPLIANCE.—In making grants under this section, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

''(f) ACTIVITIES.—Each Clean Energy Application Center shall operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. In addition, the Centers shall provide project specific support to building and industrial professionals through assessments and advisory activities. Funds made available under this section may be used for the following activities:

''(1) Developing and distributing informational materials on clean energy technologies, including continuation of the eight existing Web sites.

''(2) Developing and conducting target market workshops, seminars, internet programs and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies.

''(3) Providing or coordinating onsite assessments for sites and enterprises that may consider deployment of clean energy technology.

''(4) Performing market research to identify high profile candidates for clean energy deployment.

''(5) Providing consulting support to sites considering deployment of clean energy technologies.

''(6) Assisting organizations developing clean energy technologies to overcome barriers to deployment.

''(7) Assisting companies and organizations with performance evaluations of any clean energy technology implemented.

''(g) DURATION.—A grant awarded under this section shall be for a period of 5 years. each grant shall be evaluated annually for its continuation based on its activities and results.

''(h) AUTHORIZATION.—There is authorized to be appropriated for purposes of this section the sum of $10,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.''.

(b) TABLE OF CONTENTS.—The table of contents for such Act is amended by inserting the following after the items relating to part D of title III:

''Sec. 371. Survey of waste industrial energy recovery and potential use.
''Sec. 372. Definitions.
''Sec. 373. Survey and registry.
''Sec. 374. Additional incentives for recovery, utilization and prevention of industrial waste energy.
''Sec. 375. Clean Energy Application Centers.''.

PART 6—ENERGY EFFICIENCY OF PUBLIC INSTITUTIONS

SEC. 1071. DEFINITIONS.

For purposes of this part—

(1) the term ''CHP'' means combined heat and power, or the generation of electric energy and heat in a single, integrated system;

(2) the term ''institutional entities'' means local governments, public school districts, municipal utilities, State governments, Federal agencies, and other entities established by local, State, or Federal agencies to meet public purposes, and public or private colleges, universities, airports, and hospitals;

(3) the term ''renewable thermal energy sources'' means non-fossil-fuel energy sources, including biomass, geothermal, solar, natural sources of cooling such as cold lake or ocean water, and other sources that can provide heating or cooling energy;

(4) the term ''sustainable energy infrastructure'' means facilities for production of energy from CHP or renewable thermal energy sources and distribution of thermal energy to users; and

(5) the term ''thermal energy'' means heating or cooling energy in the form of hot water or steam (heating energy) or chilled water (cooling energy).

SEC. 1072. TECHNICAL ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall, with funds appropriated for this purpose, implement a program of information dissemination and technical assistance to institutional entities to assist them in identifying, evaluating, designing, and implementing sustainable energy infrastructure.

(b) INFORMATION DISSEMINATION.—The Secretary shall develop and disseminate information and assessment tools addressing—

(1) identification of opportunities for sustainable energy infrastructure;

(2) technical and economic characteristics of sustainable energy infrastructure;

(3) utility interconnection, and negotiation of power and fuel contracts;

(4) financing alternatives;

(5) permitting and siting issues;

(6) case studies of successful sustainable energy infrastructure systems; and

(7) computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

(c) ELIGIBLE COSTS.—Upon application by an institutional entity, the Secretary may make grants to such applicant to fund—

(1) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

(2) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

(3) 45 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, and $15,000,000 for fiscal year 2010.

SEC. 1073. REVOLVING FUND.

(a) ESTABLISHMENT.—The Secretary of Energy shall, with funds appropriated for this purpose, create a Sustainable Institutions Revolving Fund for the purpose of establishing and operating a Sustainable Institutions Revolving Fund (in this section referred to as the ''SIRF'') for the purpose of providing loans for the construction or improvement of sustainable energy infrastructure to serve institutional entities.

(b) ELIGIBLE COSTS.—A loan provided from the SIRF shall be for no more than 70 percent of the total capital costs of a project, and shall not exceed $15,000,000. Such loans shall be for constructing sustainable energy infrastructure, including—

(1) plant facilities used for producing thermal energy, electricity, or both;

(2) facilities for storing thermal energy;

(3) facilities for distribution of thermal energy; and

(4) costs for converting buildings to use thermal energy from sustainable energy sources.

(c) QUALIFICATIONS.—Loans from the SIRF may be made to institutional entities for projects meeting the qualifications and conditions established by the Secretary, including the following minimum qualifications:

(1) The project shall be technically and economically feasible as determined by a detailed feasibility analysis performed or corroborated by an independent consultant.

(2) The borrower shall demonstrate that adequate and comparable financing was not found to be reasonably available from other sources, and that the project is economically more feasible with the availability of the SIRF loan.

(3) The borrower shall obtain commitments for the remaining capital required to implement the project, contingent on approval of the SIRF loan.

(4) The borrower shall provide to the Secretary reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with a loan provided under this section will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

(d) FINANCING TERMS.—(1) Interest on a loan under this section may be a fixed rate or floating rate, and shall be equal to the Federal cost of funds consistent with the loan type and term, minus 1.5 percent.

(2) Interest shall accrue from the date of the loan, but the first payment of interest shall be deferred, if desired by the borrower, for a period ending not later than 3 years after the initial date of operation of the system.

(3) Interest attributable to the period of deferred payment shall be amortized over the remainder of the loan term.

(4) Principal shall be repaid on a schedule established at the time the loan is made. Such payments shall begin not later than 3 years after the initial date of operation of the system.

(5) Loans made from the SIRF shall be repayable over a period ending not more than 20 years after the date the loan is made.

(6) Loans shall be prepayable at any time without penalty.

(7) SIRF loans shall be subordinate to other loans for the project.

(e) FUNDING CYCLES.—Applications for loans from the SIRF shall be received on a periodic basis at least semiannually.

(f) APPLICATION OF REPAYMENTS FOR DEFICIT REDUCTION.—Loans from the SIRF shall be made, with funds available for this purpose, during the 10 years starting from the date that the first loan from the fund is made. Until this 10-year period ends, funds repaid by borrowers shall be deposited in the SIRF to be made available for additional loans. Once loans from the SIRF are no longer being made, repayments shall go directly into the United States Treasury.

(g) PRIORITIES.—In evaluating projects for funding, priority shall be given to projects which—

(1) maximize energy efficiency;

(2) minimize environmental impacts, including from regulated air pollutants, greenhouse gas emissions, and the use of refrigerants known to cause ozone depletion;

(3) use renewable energy resources;

(4) maximize oil displacement; and

(5) benefit economically-depressed areas.

(h) REGULATIONS.—Not later than one year after the date of enactment of this Act, the Secretary of Energy shall develop a plan and adopt rules and procedures for establishing and operating the SIRF.

(i) PROGRAM REVIEW.—Every two years the Secretary shall report to the Congress on the status and progress of the SIRF.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2008 and $500,000,000 for each of the fiscal years 2009 through 2012.

SEC. 1074. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$100,000,000 for each of the fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008'' and inserting ''$125,000,000 for each of the fiscal years 2007, 2008, 2009, 2010, 2011, and 2012''.

Subtitle B—Smart Grid and Demand Response

SEC. 1101. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

(a) SMART GRID CHARACTERISTICS.—It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to incorporate digital information and controls technology and to share real-time pricing information with electricity customers to achieve each of the following, which together characterize a smart grid:

(1) Increased reliability, security and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.

(3) Deployment and integration of distributed resources and generation.

(4) Development and incorporation of demand response demand-side resources, and energy efficiency resources.

(5) Deployment of ''smart'' technologies for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of ''smart'' appliances and consumer devices.

(7) Deployment and integration of renewable energy resources, both to the grid and on the customer side of the electric meter.

(8) Deployment and integration of advanced electricity storage and peak-sharing technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(9) Provision to consumers of new information and control options.

(10) Continual environmental improvement in electricity production and distribution.

(11) Enhanced capacity and efficiency of electricity networks, reduction of line losses, and maintenance of power quality.

(b) SUPPORT.—The Secretary of Energy and the Federal Energy Regulatory Commission and other Federal agencies as appropriate shall undertake programs to support the development and demonstration of Smart Grid technologies and standards to maximize the achievement of these goals.

(c) BARRIERS.—It is further the policy of the United States that no State, State agency, or local government or instrumentality thereof should prohibit, or erect unreasonable barriers to, the deployment of smart grid technologies on an electric utility's distribution facilities, or unreasonably limit the services that may be provided using such technologies.

(d) INFORMATION.—It is further the policy of the United States that electricity purchasers are entitled to receive information about the varying value of electricity at different times and places, and that States shall not prohibit nor erect unreasonable barriers to the provision of such information flows to end users.

SEC. 1102. GRID ASSESSMENT AND REPORT.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall undertake, and update on a biannual basis, an assessment of the progress toward modernizing the electric system from generation to ultimate electricity consumption, including implementation of ''smart grid'' technologies. The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall prepare this assessment with input from stakeholders including but not limited to electric utilities, other Federal offices, States, companies involved in developing related technologies, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, electricity customers, and persons with special related expertise. The assessment shall include each of the following:

(1) An updated inventory of existing smart grid systems.

(2) A description of the condition of existing grid infrastructure and procedures for determining the need for new infrastructure;

(3) A description of any plans of States, utilities, or others to introduce smart grid systems and technologies.

(4) An assessment of constraints to deployment of smart grid technology and most important opportunities for doing so, including the readiness or lack thereof of enabling technologies.

(5) An assessment of remaining potential benefits resulting from introduction of smart grid systems, including benefits related to demand-side efficiencies, improved reliability, improved security, reduced prices, and improved integration of renewable resources.

(6) Recommendations for legislative or regulatory changes to remove barriers to and create incentives for smart grid system implementation and to meet the policy goals of this part.

(7) An estimate of the potential costs required for modernization of the electricity grid, with specificity relative to geographic areas and components of the grid, together with an assessment of whether the necessary funds would be available to meet such costs, and the sources of such funds.

(8) An assessment of ancillary benefits to other economic sectors or activities beyond the electricity sector, such as potential broadband service over power lines.

(9) An assessment of technologies, activities or opportunities in energy end use devices, customer premises, buildings, and power generation and storage devices that could accelerate or expand the impact and effectiveness of smart grid advances.

(10) An assessment of potential risks to personal privacy, corporate confidentiality,

and grid security from the spread of smart grid technologies, and if so what additional measures and policies are needed to assure privacy and information protection for electric customers and grid partners, and cybersecurity protection for extended grid systems.

(11) An assessment of the readiness of market forces to drive further implementation and evolution of ''smart grid'' technologies in the absence of government leadership.

(12) Recommendations to the Congress and other Federal officers on actions they should take to assist.

The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission may request electric utilities to provide information relating to deployment and planned deployment of smart grid systems and technologies. At the request of the utility, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall maintain the confidentiality of utility-specific or specific security-related information. The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall provide opportunities for input and comment by interested persons, including representatives of electricity consumers, Smart Grid technology service providers, the electric utility industry, and State and local government.

(b) STATE AND REGIONAL ASSESSMENT AND REPORT.—States or groups of States are encouraged to participate in the development of State or region-specific components of the assessment and report under subsection (a). Such State-specific components may address the assessment and reporting criteria above but also may include but not be limited to any of the following:

(1) Assessment of types of security threats to electricity delivery.

(2) Energy assurance and response plans to address security threats.

(3) Plans for introduction of smart grid systems and technologies over 3, 5, and 10 year planning horizons.

The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission may make grants to States that begin development of a State or Regional Plan within 180 days after the enactment of this Act to offset up to one-half of the costs required to develop such plans.

(c) INTEROPERABILITY PROTOCOLS AND MODEL STANDARDS FOR INFORMATION MANAGEMENT.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall work with Smart Grid stakeholders to lead towards the earliest feasible development of flexible, uniform, and consensus protocols or model standards for information management among and interoperability of smart grid devices and systems. Such protocols and model standards shall allow such devices to communicate and function over multiple technologies, including wireless, cable, satellite, broadband-over-power line, and telephone. Such protocols and model standards should align policy, business, and technology approaches in a way that enables all electric resources, including demand side resources, to contribute to an efficient, reliable electricity network, on an automated basis, as appropriate.

(2) SCOPE OF PROTOCOLS AND MODEL STANDARDS.—The protocols and model standards shall accommodate centralized and distributed generation, transmission and distribution resources, including advanced technologies to improve the efficiency and reliability of the electric power transmission and distributions system, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems.

(3) ESTABLISHMENT OF WORKING GROUP.—Not later than 90 days after the date of enactment of this Act the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall establish a working group comprised of electric industry experts to assist in developing the protocols and model standards described in this subsection and guide the Federal participation in that process. Members appointed to the working group shall represent the various sectors of the electricity industry, including sectors relating to the generation, transmission, distribution and end-user.

(4) DEVELOPMENT OF PROTOCOLS AND MODEL STANDARDS.—In developing the protocols and model standards, the working group shall consult with expert groups such as the Gridwise Architecture Council, the Institute of Electrical and Electronics Engineers, other electric industry groups, customer and manufacturer groups, and any appropriate Federal and State agencies. The proposed protocols and model standards shall be made available in the public domain, except to the extent they may allow or create threats to grid reliability and security.

(5) PROPOSAL FOR PROTOCOLS AND MODEL STANDARDS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission recommendations concerning development of proposed protocols and model standards and recommendations for Federal support in the implementation of such protocols and model standards.

(B) REVIEW BY THE SECRETARY OF ENERGY, IN CONSULTATION WITH THE FEDERAL ENERGY REGULATORY COMMISSION.—On receipt of the recommendations under subparagraph (A), the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall take such action as necessary to encourage the adoption of the protocols and model standards and their implementation.

(C) PUBLICATION OF PROTOCOLS AND MODEL STANDARDS.—The Secretary of Energy, in consultation with the Federal Energy Regulatory Commission shall publish, not later than 3 years after the date of the enactment of this Act, and every two years thereafter, a report on the status of interoperability of smart grid technologies, and the availability of protocols and model standards to allow such interoperability.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section the sum of $25,000,000 for each of the fiscal years 2008 through 2012, and such sums as may be necessary thereafter through fiscal year 2018.

SEC. 1103. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary of Energy shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fourth of qualifying Smart Grid investments.

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of enactment of this Act:

(1) In the case of appliances covered for purposes of establishing energy conservation standards under part B of title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291 and following), the documented expenditures incurred by a manufacturer of such appliances associated with purchasing or designing, creating the ability to manufacture, and manufacturing and installing for one calendar year, internal devices that allow the appliance to engage in Smart Grid functions.

(2) In the case of specialized electricity-using equipment, including motors and drivers, installed in industrial or commercial applications, the documented expenditures incurred by its owner or its manufacturer of installing devices or modifying that equipment to engage in Smart Grid functions.

(3) In the case of transmission and distribution equipment fitted with monitoring and communications devices to enable smart grid functions, the documented expenditures incurred by the electric utility to purchase and install such monitoring and communications devices.

(4) In the case of metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility and its customers to purchase and install such devices.

(5) In the case of software that enables devices or computers to engage in Smart Grid functions, the documented purchase costs of the software.

(6) In the case of entities that operate or coordinate operations of regional electric grids, the documented expenditures for purchasing and installing such equipment that allows Smart Grid functions to operate and be combined or coordinated among multiple electric utilities and between that region and other regions.

(7) In the case of persons or entities other than electric utilities owning and operating a distributed electricity generator, the documented expenditures of enabling that generator to be monitored, controlled, or otherwise integrated into grid operations and electricity flows on the grid utilizing Smart Grid functions.

(8) In the case of electric or hybrid-electric vehicles, the documented expenses for devices that allow the vehicle to engage in Smart Grid functions.

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary of Energy shall identify. In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(2) After the effective date of a standard under paragraph (21) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (relating to Smart Grid information), an investment that is not in compliance with such standard.

(3) After the development and publication by the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission of protocols and model standards for interoperability of smart grid devices and technologies, an investment that fails to incorporate any of such protocols or model standards.

(4) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(5) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(6) Expenditures for travel, lodging, meals or other personal costs.

(7) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(8) Such other expenditures that the Secretary of Energy determines not to be Qualifying Smart Grid Investments by reason of the lack of the ability to perform smart grid functions or lack of direct relationship to smart grid functions.

(d) SMART GRID FUNCTIONS.—The term ''smart grid functions'' means any of the following:

(1) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system, through one or a combination of devices and technologies.

(2) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time or use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device.

(3) The ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize or report that information by digital means.

(4) The ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations.

(5) The ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices.

(6) The ability of any appliance or machine to respond to such signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention.

(7) The ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual.

(8) The ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in voltage control, provide operating reserves, and provide frequency regulation.

(9) Such other functions as the Secretary of Energy may identify as being necessary or useful to the operation of a Smart Grid.

(e) OFFICE.—The Secretary of Energy shall—

(1) establish an Office to administer the Smart Grid Investment Grant Program, assuring that expert resources from the Office of Energy Distribution and Electricity Reliability, and the Office of Energy Efficiency and Renewable Energy are fully available to advise on its administration and actions;

(2) appoint a Senior Executive Service officer to direct the Office, together with such personnel as are required to administer the Smart Grid Investment Grant program;

(3) establish and publish in the Federal Register, within 180 days after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fourth of their documented expenditures;

(4) establish procedures to assure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid.;

(5) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(6) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made;

(7) establish procedures to provide, in the event appropriated moneys in any year are insufficient to provide reimbursements for qualifying Smart Grid investments, that such reimbursement would be made in the next fiscal year or whenever funds are again sufficient, with the condition that the insufficiency of funds to reimburse Qualifying Smart Grid Investments from moneys appropriated for that purpose does not create a Federal obligation to that applicant; and

(8) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgement of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy the sums of—

(1) $10,000,000 for each of fiscal years 2008 through 2012 to provide for administration of the Smart Grid Investment Matching Fund; and

(2) $250,000,000 for fiscal year 2008 and $500,000,000 for each of fiscal years 2009 through 2012 to provide reimbursements of one-fourth of Qualifying Smart Grid Investments.

SEC. 1104. SMART GRID INFORMATION REQUIREMENTS.

(a) FINDINGS.—Congress finds that Smart Grid technologies will require, for their optimum use by electricity consumers, that such consumers have access to information on prices, use, and other factors in possession of their utilities or electricity suppliers, in order to assist the customers in optimizing their electricity use and limiting the associated environmental impacts.

(b) DEVELOPMENT OF RULES.—The Federal Energy Regulatory Commission shall develop and declare a standard for the collection, presentation and delivery of information to electricity purchasers.

(c) APPLICATION OF SMART GRID INFORMATION STANDARD TO WHOLESALE MARKETS.—Within 60 days of the declaration of the standard under subsection (b), the Federal Energy Regulatory Commission shall propose a rule under which all public utilities, with respect to federally jurisdictional sales for resale of electricity in interstate commerce, and all approved regional transmission organizations subject to its jurisdiction, will implement those elements of the Smart Grid information standard developed pursuant to this section that the Commission determines to be relevant and to add value for purchasers of wholesale power or those utilizing interstate transmission.

SEC. 1105. STATE CONSIDERATION OF INCENTIVES FOR SMART GRID.

(a) CONSIDERATION OF ADDITIONAL STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end:

''(18) UTILITY INVESTMENT IN SMART GRID INVESTMENTS.—Each electric utility shall prior to undertaking investments in non-advanced grid technologies demonstrate that alternative investments in advanced grid technologies have been considered, including from a standpoint of cost-effectiveness, where such cost-effectiveness considers costs and benefits on a life-cycle basis.

''(19) UTILITY COST OF SMART GRID INVESTMENTS.—Each electric utility shall be permitted to—

''(A) recover from ratepayers the capital and operating expenditures and other costs of the utility for qualified smart grid system, including a reasonable rate of return on the capital expenditures of the utility for a qualified smart grid system, and

''(B) recover in a timely manner the remaining book-value costs of equipment rendered obsolete by the deployment of a qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(20) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.

''(21) SMART GRID INFORMATION.—

''(A) STANDARD.—All electricity purchasers shall be provided direct access, both in written and electronic machine-readable form, to information from their electricity provider as provided in subparagraph (B).

''(B) INFORMATION.—Information provided under this section shall conform to the standardized rules issued by the Federal Energy Regulatory Commission under section 1106(b) of the American Made Energy and Good Jobs Act and shall include:

''(i) PRICES.—Purchasers and other interested persons shall be provided with information on:

''(I) Time-based electricity prices in the wholesale electricity market; and

''(II) Time-based electricity retail prices or rates that are available to the purchasers.

''(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them

''(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

''(iv) SOURCES.—Purchasers and other interested person shall be provided with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions and criteria pollutants associated each type of generation, for intervals during which such information is available on a cost-effective basis, but not less than monthly.

''(C) ACCESS.—Purchasers shall be able to access their own information at any time

through the internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.''.

(b) RECONSIDERATION OF CERTAIN STANDARDS.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding the following at the end thereof:

''(g) RECONSIDERATION OF PRIOR TIME-OF-DAY AND COMMUNICATION STANDARDS.—Not later than 1 year after the enactment of this subsection, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence a reconsideration under section 111, or set a hearing date for reconsideration, with respect to the standards established by paragraphs (3) and (14) of section 111(d) to take into account Smart Grid technologies. Not later than 2 years after the date of the enactment of this subsection, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the reconsideration, and shall make the determination, referred to in section 111 with respect to the standards established by paragraphs (3) and (14) of section 111(d).''.

(c) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

''(6)(A) Not later than 1 year after the enactment of this paragraph, but not less than 3 years after the conclusion of any prior review of such standards, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (18) through (20) of section 111(d). Not later than 6 months after the promulgation of rules by the Federal Energy Regulatory Commission under section 1106(b) of the American Made Energy and Good Jobs Act, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of the this paragraph, but not less than 4 years after the conclusion of any prior review of such standard, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (18) through (20) of section 111(d). Not later than 18 months after the promulgation of rules by the Federal Energy Regulatory Commission under section 1106(b) of the American Made Energy and Good Jobs Act each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraph (21) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of such Act is amended by adding the following at the end: '' In the case of the standards established by paragraphs (18) through (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.''

(3) PRIOR STATE ACTIONS.—Section 112(d) of such Act is amended by inserting ''and paragraphs (18) through (20)'' before ''of such 111(d)'' .

SEC. 1106. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary of Energy shall, within 6 months after the he completes the first biennial assessment and report under section 1102 of the American Made Energy and Good Jobs Act, submit a report to Congress that provides a quantitative assessment and determination of the existing and potential impacts of the deployment of Smart Grid systems on improving the security of the Nation's electricity infrastructure and operating capability. The report shall include but not be limited to specific recommendations on each of the following:

(1) How smart grid systems can help in making the Nation's electricity system less vulnerable to disruptions due to intentional acts against the system.

(2) How smart grid systems can help in restoring the integrity of the Nation's electricity system subsequent to disruptions.

(3) How smart grid systems can facilitate emergency communications and control of the Nation's electricity system during times of localized or nationwide emergency.

(b) CONSULTATION.—The Secretary shall consult with other Federal agencies in the development of the report under this section, including but not limited to the Secretary of Homeland Security, the Federal Energy Regulatory Commission and the Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (16 U.S.C. 824 o) as added by section 1211 of the Energy Policy Act of 2005 (P.L. 109-58; 119 Stat.941)

(c) FUNDING.—The Secretary shall fund demonstration projects for the purpose of demonstrating the findings of the report under this section. Not more than $10,000,000 are authorized to be appropriated for such projects.

Subtitle C—Loan Guarantee Improvement

SEC. 1201. AMOUNT OF LOANS GUARANTEED.

Section 1702(c) of the Energy Policy Act of 2005 (42 U.S.C. 16512(c)) is amended to read as follows:

''(c) AMOUNT.—

''(1) PERCENTAGE OF PROJECT COST.—A guarantee by the Secretary shall not exceed an amount equal to 80 percent of the project cost of the facility that is the subject of the guarantee, as estimated at the time at which the guarantee is issued, and shall be no less than the minimum amount determined by the Secretary to be likely to attract nonguaranteed investment adequate to capitalize the project.

''(2) PERCENTAGE OF LOAN.—Subject to paragraph (1), the Secretary may guarantee up to 100 percent of any loan or other debt obligation of the borrower to fund an eligible project.''.

SEC. 1202. EXCLUSION OF CATEGORIES.

Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following new subsection:

''(c) EXCLUSION OF CATEGORIES.—No appropriation authorized pursuant to this section may exclude any category of eligible project described in section 1703.''.

Subtitle D—Fuels and Transportation

PART 1—FUELS AND TRANSPORTATION

SEC. 1301. ALTERNATIVE FUELS PROGRAM.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 4575) is amended by adding the following new subsection at the end thereof:

''(t) ALTERNATIVE FUEL PROGRAM.—

''(1) DEFINITIONS.—In this section__

''(A) ALTERNATIVE FUEL.—

''(i) IN GENERAL.—The term 'alternative fuel' means the portion of any motor vehicle or nonroad fuel, as measured by volume, that consists of—

''(I) renewable fuel;

''(II) methanol, denatured ethanol, butanol, and other alcohols;

''(III) natural gas, including liquid fuels domestically produced from natural gas;

''(IV) liquefied petroleum gas;

''(V) hydrogen;

''(VI) qualifying coal-derived liquid fuel;

''(VII) fuels (not including a fuel that consists of alcohol) derived from biological materials (including biodiesel);

''(VIII) electricity provided from the electric power transmission and distribution system; and

''(IX) any other fuel that the Administrator determines, by rule, is not derived from crude oil and would yield energy security benefits or environmental benefits.

''(ii) QUALIFYING COAL-DERIVED LIQUID FUEL.—The term 'qualifying coal-derived liquid fuel' means liquid fuel produced by a project that—

''(I) converts coal to one or more liquid or gaseous transportation fuels;

''(II) demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process; and

''(III) on the basis of a carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator, in consultation with the Secretary of Energy, as producing fuel with life cycle carbon dioxide emissions at or below the average life cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities.

''(iii) BLENDING COMPONENTS.—The term 'alternative fuel' includes any portion of a blending component that is derived from an alternative fuel.

''(B) NONROAD FUEL.—The term 'nonroad fuel' means fuel that is used, intended for use, or made available for use as a fuel in a nonroad engine or a nonroad vehicle.

''(C) OBLIGATED PARTY.—The term 'obligated party' means any refiner, blender, or importer of motor vehicle, or nonroad, gasoline or diesel fuel, that is designated an obligated party under regulations issued by the Administrator for purposes of this subsection.

''(D) OTHER TERMS.—The terms used in this subsection have the same meaning as when used in subsection (o).

''(2) ALTERNATIVE FUEL REGULATIONS.—

''(A) STANDARD.—Not later than 2 years after the date of enactment of this subsection, and from time to time thereafter, the Administrator shall promulgate regulations to ensure that motor vehicle and nonroad fuel sold or introduced into commerce in the United States, on an annual average basis, contains the applicable volume of alternative fuel determined in accordance with this subsection.

''(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

''(i) shall contain compliance provisions applicable to refiners, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

''(ii) shall not—

''(I) restrict geographic areas in which alternative fuel may be used; or

''(II) impose any per-gallon obligation for the use of alternative fuel.

''(3) APPLICABLE VOLUME.—For the purpose of the regulations under this subsection, the applicable volume (in billions of gallons) shall be determined under this paragraph.

''(A) CALENDAR YEARS 2013 THROUGH 2025.—The applicable volume (in billions of gallons) for the calendar years 2013 through 2025 shall be as provided in the following table:

calendar year	applicable volume
2013	14
2014	15
2015	16
2016	17
2017	18
2018	19
2019	20
2020	21
2021	23
2022	26
2023	29
2024	32
2025	35

''(B) CALENDAR YEAR 2026 AND THEREAFTER.—Except as otherwise provided in this paragraph, the applicable volume for calendar year 2026 and each calendar year thereafter shall be determined by rule by the Administrator, in coordination with the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program under this subsection during calendar years 2020 through 2025, including a review of each of the following:

''(i) The impact of the use of alternative fuels on the energy security of the United States.

''(ii) The impact of the use of alternative fuels on public health and the environment, including air and water quality.

''(iii) The expected annual rate of future production of alternative fuels.

''(iv) The impact of alternative fuels on the infrastructure of the United States, including the deliverability of materials, goods, and products other than alternative fuels, and the sufficiency of the infrastructure to deliver alternative fuel.

''(v) The impact of the use of alternative fuels on job creation, the price and supply of agricultural commodities, and rural economic development.

''(C) MINIMUM APPLICABLE VOLUME FOR CALENDAR YEAR 2026 AND THEREAFTER.—For the purpose of subparagraph (B), the minimum applicable volume for calendar year 2026 and each calendar year thereafter shall be equal to the product obtained by multiplying the number obtained under clause (i) by the ratio obtained under clause (ii).

''(i) The number of gallons of motor vehicle and nonroad fuel that the Administrator estimates will be sold or introduced into commerce in the calendar year.

''(ii) The ratio that—

''(I) 35,000,000,000 gallons of alternative fuel bears to

''(II) the number of gallons of motor vehicle and nonroad fuel sold or introduced into commerce in calendar year 2025.

''(4) ALTERNATIVE FUEL PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF MOTOR VEHICLE AND NONROAD FUEL SALES.—Not later than October 31, 2012, and annually thereafter, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate, with respect to the following calendar year, of the volumes of motor vehicle and nonroad fuel projected to be sold or introduced into commerce in the United States during the following calendar year.

''(B) DETERMINATION OF PERCENTAGES.—Not later than November 30 of each calendar year after 2012, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the percentage of the projected volume of motor vehicle and nonroad fuel that must be alternative fuel in order to ensure that the applicable volume requirements of paragraph (3) are met.

''(C) REQUIRED ELEMENTS.—The alternative fuel obligation determined for a calendar year under subparagraph (B) shall—

''(i) be applicable to refiners, blenders, and importers of motor vehicle and nonroad gasoline and diesel fuel, as appropriate;

''(ii) be expressed in terms of a volume percentage of motor vehicle and nonroad fuel sold or introduced into commerce in the United States; and

''(iii) subject to clause (i), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

''(D) ADJUSTMENTS.—In determining the alternative fuel percentage for a calendar year, the Administrator shall make adjustments to prevent the imposition of redundant obligations on any obligated party.

''(5) COMPLIANCE VALUES.—

''(A) TABLE.—The Administrator shall assign a compliance value for each alternative fuel in accordance with the following table to be used as a multiplier to determine the extent to which each gallon or other specified unit of the alternative fuel will satisfy the alternative fuel volume obligation under this subsection:

''Fuel type	**Compliance Values, Years 2013-2015**	**Compliance Values, Years 2016-2020**	**Compliance Values, Years After 2020**
Ethanol (non-Cellulosic)	1.0	1.0	1.0
Ethanol (Cellulosic)	2.5	1.0	1.0
Biodiesel	1.4	1.4	1.4
Gas-to-Liquid Diesel Fuel	1.5	1.5	1.5
Coal-to-Liquid Diesel Fuel	1.5	1.5	1.5
Compressed Natural Gas (78 standard cubic feet)	1.0	1.0	1.0
Liquefied Natural Gas	1.0	1.0	1.0
Liquefied Petroleum Gas	1.1	1.1	1.1
Electricity (6.4 kilowatt-hours)	2.5	2.5	1.0
Gaseous Hydrogen (132 standard cubic feet)	2.5	2.5	1.0
Liquid Hydrogen	2.3	2.3	0.8
Methanol	0.8	0.8	0.8
Butanol	1.3	1.3	1.3
Bio-Butanol	1.3	1.3	1.3

All values are expressed in terms of gallons unless otherwise specified.

''(B) AUTHORITY OF THE ADMINISTRATOR.—

''(i) IN GENERAL.—In accordance with the requirements described in clause (ii), the Administrator may by rule—

''(I) add fuel types to the table contained in subparagraph (A);

''(II) revise any fuel type or compliance value referred to in the table contained in subparagraph (A); and

''(III) assign each new or revised category or subcategory of an alternative fuel type an appropriate compliance value.

''(ii) CALCULATION OF COMPLIANCE VALUES.—When the Administrator assigns or revises the compliance value for an alternative fuel type, the Administrator shall establish that compliance value equal to the ratio of the energy content of the alternative fuel to the energy content of ethanol. No compliance value for the years 2013 through 2020 may be revised by the Administrator under this subparagraph for electricity, gaseous hydrogen, or liquid hydrogen or for the years 2013 through 2015 for cellulosic ethanol.

''(6) COMPLIANCE WITH STANDARD; USE OF IDENTIFICATION NUMBERS.—

''(A) GENERATION AND ASSIGNMENT.—Regulations promulgated under this subsection shall provide that the producer or importer of any alternative fuel shall generate and assign to each batch or other quantifiable unit (as determined by the Administrator) a

unique identification number (except as provided in subparagraph (B)).

''(B) ELECTRICITY.—The regulations of the Administrator under this subsection shall establish a process for generating and assigning identification numbers for the amount of electricity from the electric power transmission and distribution system expected to be used as a motor vehicle or nonroad fuel. For vehicles manufactured prior to 2020 or such later time as the Administrator finds that the producers of the electricity used as a motor vehicle or nonroad vehicle fuel can be determined, the regulations shall provide that the identification numbers for electricity shall be assigned to the manufacturer or importer of motor vehicles or nonroad vehicles fueled by electricity from the electric power transmission and distribution system.

''(C) BASIS.—The identification numbers referred to in this paragraph shall be based on the volume of the alternative fuel and the compliance values established under paragraph (5).

''(D) COMPLIANCE WITH THE STANDARD.—Obligated parties shall demonstrate compliance with the standard under this subsection by surrendering identification numbers in an appropriate quantity to the Administrator.

''(E) DURATION.—An identification number generated under this subsection shall be valid to show compliance for the 12 months as of the date of generation. The Administrator shall interpret this subparagraph the same way as section 211(o)(5)(C) of this Act is interpreted.

''(F) TRADING.—Identification numbers may be held by any individual or entity and transferred by any individual or entity to any other individual or entity.

''(G) INABILITY TO GENERATE OR PURCHASE.—The regulations promulgated under this paragraph shall include provisions allowing any obligated party that is unable to generate or purchase sufficient identification numbers to meet the standard under paragraph (2) to carry forward an alternative fuel deficit on condition that the obligated party in the calendar year following the year in which the deficit is created—

''(i) achieves compliance with the standard under paragraph (2); and

''(ii) generates or purchases additional alternative fuel identification numbers to offset the alternative fuel deficit of the previous year.

''(H) PROPERTY.—An identification number generated under this subsection does not constitute a property right. Nothing in this subsection or in any other provision of law shall be construed to limit the authority of the United States to terminate or limit such an identification number.

''(I) IDENTIFICATION NUMBERS FROM RFS PROGRAM.—To demonstrate compliance for the year 2013, the Administrator shall permit the use of identification numbers generated and assigned under the regulations under subsection (o) to the same extent that subsection (o) would have allowed their use in 2013. Deficits under subsection (o) for the year 2012 may be carried forward to the year 2013 if the requirements of subsection (o)(5)(D) of this section and subparagraph (G) of this paragraph are met.

''(7) WAIVERS.—

''(A) IN GENERAL.—Based on a petition by a State, an obligated party, or on the Administrator's own motion, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part by reducing the national quantity of alternative fuel required under paragraph (3) if the Administrator, after public notice and opportunity for comment, determines that—

''(i) implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) there is an inadequate domestic supply.

''(B) PETITIONS.—The Administrator shall approve or disapprove a petition for a waiver within 90 days after the date on which the petition is received by the Administrator.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C.7545(d)) is amended as follows:

(1) In paragraph (1)__

(A) in the first sentence, by striking ''or (o)'' each place it appears and inserting ''(o), or (u)''; and

(B) in the second sentence, by striking ''or (o)'' and inserting ''(o), or (u)''; and

(2) in the first sentence of paragraph (2), by striking ''and (o)'' each place it appears and inserting ''(o), and (u)''.

(c) RENEWABLE FUEL PROGRAM.—

(1) TERMINATION.—Subparagraph (B) of section 211(o)(2) of the Clean Air Act (42 U.S.C. 4575(o)(2)(B)) is amended by striking all after clause (i).

(2) 2009 THROUGH 2012 REQUIREMENTS.—The items relating to the years 2009 through 2012 in the table in clause (i) of such subparagraph (B) are amended as follows:

(A) Strike ''6.1'' and insert ''10'' .

(B) Strike ''6.8'' and insert ''11'' .

(C) Strike ''7.4'' and insert ''12''.

(D) Strike ''7.5'' and insert ''13''.

SEC. 1302. REFINERY PERMIT STREAMLINING.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''applicant'' means a person who is seeking a Federal refinery authorization;

(3) the term ''biomass'' has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term ''Federal refinery authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term ''Indian lands'' means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation;

(6) the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

(7) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil or oil originally derived from crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline, distillate, or lubricating base oil;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel;

(8) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States; and

(9) the term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STATE AND TRIBAL ORGANIZATION ASSISTANCE.—

(1) FINANCIAL ASSISTANCE.—At the request of a governor of a State, or at the request of a tribal organization, the Administrator is authorized to provide financial assistance to that State or Indian tribe to facilitate the hiring of additional personnel to assist the State or Indian tribe with expertise in fields relevant to consideration of Federal refinery authorizations.

(2) OTHER ASSISTANCE.—At the request of a governor of a State, or at the request of a tribal organization, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State or Indian tribe to facilitate its consideration of Federal refinery authorizations.

(c) REFINERY PROCESS COORDINATION AND PROCEDURES.—

(1) APPOINTMENT OF FEDERAL COORDINATOR.—

(A) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this section.

(B) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(2) FEDERAL REFINERY AUTHORIZATIONS.—

(A) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under paragraph (1) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(B) MEMORANDUM OF AGREEMENT.—(i) Not later than 90 days after receipt of a notification described in subparagraph (A), the Federal coordinator and the other participants at a meeting convened under subparagraph (A) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(ii) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(iii) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(3) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under paragraph (4) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(4) REMEDIES.—

(A) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(B) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in subparagraph (A) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this paragraph.

(C) COURT ACTION.—If an action is brought under subparagraph (B), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in subparagraph (A) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of proceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this subparagraph.

(D) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this paragraph, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to paragraph (3).

(E) EXPEDITED REVIEW.—The Court shall set any civil action brought under this paragraph for expedited consideration.

(5) APPLICABILITY.—This subsection shall only apply to a refinery sited or proposed to be sited or expanded or proposed to be expanded—

(A) in a State whose governor has submitted a request to the President for the application of the process coordination and rules of procedure under this subsection to the siting, construction, expansion, or operation of any refinery in that State;

(B) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation; or

(C) on Indian lands if the relevant tribal organization has submitted a request to the President for the application of the process coordination and rules of procedure under this subsection to the siting, construction, expansion, or operation of any refinery on that Indian land.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

(e) REFINERY REVITALIZATION REPEAL.—Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 1303. STANDBY LOANS FOR QUALIFYING COAL-TO-LIQUIDS PROJECTS.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) STANDBY LOANS FOR QUALIFYING CTL PROJECTS.—

''(1) DEFINITIONS.—For purposes of this subsection:

''(A) CAP PRICE.—The term 'cap price' means a market price specified in the standby loan agreement above which the project is required to make payments to the United States.

''(B) FULL TERM.—The term 'full term' means the full term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 30 years or 90 percent of the projected useful life of the project (as determined by the Secretary).

''(C) MARKET PRICE.—The term 'market price' means the average quarterly price of a petroleum price index specified in the standby loan agreement.

''(D) MINIMUM PRICE.—The term 'minimum price' means a market price specified in the standby loan agreement below which the United States is obligated to make disbursements to the project.

''(E) OUTPUT.—The term 'output' means some or all of the liquid or gaseous transportation fuels produced from the project, as specified in the loan agreement.

''(F) PRIMARY TERM.—The term 'primary term' means the initial term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 20 years or 75 percent of the projected useful life of the project (as determined by the Secretary).

''(G) QUALIFYING CTL PROJECT.—The term 'qualifying CTL project' means—

''(i) a commercial-scale project that converts coal to one or more liquid or gaseous transportation fuels blended with renewable fuel; or

''(ii) not more than one project at a facility that converts petroleum refinery waste products, including petroleum coke, into one or more liquids or gaseous transportation fuels blended with renewable fuel,

that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of a carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary, as producing fuel with life cycle carbon dioxide emissions at or below the average life cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities.

''(H) STANDBY LOAN AGREEMENT.—The term 'standby loan agreement' means a loan agreement entered into under paragraph (2).

''(2) STANDBY LOANS.—

''(A) LOAN AUTHORITY.—The Secretary may enter into standby loan agreements with not more than six qualifying CTL projects, at least one of which shall be a project jointly or in part owned by two or more small coal producers. Such an agreement—

''(i) shall provide that the Secretary, to the extent provided in advance in appropriations Acts, will make a direct loan (within the meaning of section 502(1) of the Federal Credit Reform Act of 1990) to the qualifying CTL project; and

''(ii) shall set a cap price and a minimum price for the primary term of the agreement.

''(B) LOAN DISBURSEMENTS.—Such a loan shall be disbursed during the primary term of such agreement whenever the market price falls below the minimum price. The amount of such disbursements in any calendar quarter shall be equal to the excess of the minimum price over the market price, times the output of the project (but not more than a total level of disbursements specified in the agreement).

''(C) LOAN REPAYMENTS.—The Secretary shall establish terms and conditions, including interest rates and amortization schedules, for the repayment of such loan within the full term of the agreement, subject to the following limitations:

''(i) If in any calendar quarter during the primary term of the agreement the market price is less than the cap price, the project may elect to defer some or all of its repayment obligations due in that quarter. Any unpaid obligations will continue to accrue interest.

''(ii) If in any calendar quarter during the primary term of the agreement the market price is greater than the cap price, the project shall meet its scheduled repayment obligation plus deferred repayment obligations, but shall not be required to pay in that quarter an amount that is more than the excess of the market price over the cap price, times the output of the project.

''(iii) At the end of the primary term of the agreement, the cumulative amount of any deferred repayment obligations, together with accrued interest, shall be amortized (with interest) over the remainder of the full term of the agreement.

''(3) PROFIT-SHARING.—The Secretary is authorized to enter into a profit-sharing agreement with the project at the time the standby loan agreement is executed. Under such an agreement, if the market price exceeds the cap price in a calendar quarter, a profit-sharing payment shall be made for that quarter, in an amount equal to—

''(A) the excess of the market price over the cap price, times the output of the project; less

''(B) any loan repayments made for the calendar quarter.

''(4) COMPLIANCE WITH FEDERAL CREDIT REFORM ACT.—

''(A) UPFRONT PAYMENT OF COST OF LOAN.—No standby loan agreement may be entered into under this subsection unless the project makes a payment to the United States that the Office of Management and Budget determines is equal to the cost of such loan (determined under 502(5)(B) of the Federal Credit Reform Act of 1990). Such payment shall be made at the time the standby loan agreement is executed.

''(B) MINIMIZATION OF RISK TO THE GOVERNMENT.—In making the determination of the cost of the loan for purposes of setting the payment for a standby loan under subparagraph (A), the Secretary and the Office of Management and Budget shall take into consideration the extent to which the minimum price and the cap price reflect historical patterns of volatility in actual oil prices relative to projections of future oil prices, based upon publicly available data from the

Energy Information Administration, and employing statistical methods and analyses that are appropriate for the analysis of volatility in energy prices.

''(C) TREATMENT OF PAYMENTS.—The value to the United States of a payment under subparagraph (A) and any profit-sharing payments under paragraph (3) shall be taken into account for purposes of section 502(5)(B)(iii) of the Federal Credit Reform Act of 1990 in determining the cost to the Federal Government of a standby loan made under this subsection.

''(5) OTHER PROVISIONS.—

''(A) NO DOUBLE BENEFIT.—A project receiving a loan under this subsection may not, during the primary term of the loan agreement, receive a Federal loan guarantee under subsection (a) of this section, or under other laws.

''(B) SUBROGATION, ETC.—Subsections (g)(2) (relating to subrogation), (h) (relating to fees), and (j) (relating to full faith and credit) shall apply to standby loans under this subsection to the same extent they apply to loan guarantees.''.

SEC. 1304. RENEWABLE FUEL INFRASTRUCTURE DEVELOPMENT.

(a) DEFINITION.—For purposes of this subtitle—

(1) the term ''renewable fuel'' means E85 biofuel, or B20;

(2) the term ''biofuel'' means fuel produced entirely from biological material and determined by the Department of Energy and the Environmental Protection Agency to be commercially viable;

(3) the term ''B20'' means a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act for fuel containing 20 percent biodiesel;

(4) the term ''E85'' means a fuel blend containing 85 percent denatured ethanol and 15 percent gasoline by volume;

(5) the term ''flexible-fuel vehicle'' means any motor vehicle warranted by the manufacturer of the vehicle as capable of operating on gasoline or diesel fuel and on—

(A) E85; or

(B) B20; and

(6) the term ''motor vehicle'' means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency that are in effect on the date of enactment of this Act—

(A) a light-duty truck;

(B) a light-duty vehicle; or

(C) medium-duty passenger vehicle,

that is designed to be propelled by gasoline or diesel fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—The Secretary of Energy shall establish a program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel. Such infrastructure may include equipment used in the blending, distribution, and transport of such fuels.

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary of Energy shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuels nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

(1) technical advice for compliance with applicable Federal and State environmental requirements;

(2) help in identifying supply sources and securing long-term contracts; and

(3) provision of public outreach, education, and labeling materials.

(d) ALLOCATION.—The Secretary of Energy may reserve funds appropriated for carrying out this section to support renewable fuels infrastructure development projects with a cost of greater than $1,000,000, that are of national significance. The Secretary shall reserve funds appropriated for the renewable fuels infrastructure development grant program for technical and marketing assistance described in subsection (c).

(e) SELECTION CRITERIA.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this section that will maximize the availability and use of renewable fuel, and that will ensure that renewable fuel is available across the country. Such criteria shall provide for—

(1) consideration of the public demand for each renewable fuel in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(2) consideration of the opportunity to create or expand corridors of renewable fuel stations along interstate or State highways;

(3) consideration of the experience of each applicant with previous, similar projects;

(4) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(5) priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuels; and

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this section is completed.

(f) COMBINED APPLICATIONS.—States and local government entities and nonprofit entities may apply for assistance under this section on behalf of a group of retailers within a certain geographic area, or to carry out regional or multistate deployment projects. Any such application shall certify the availability and details of a program to match the Federal grant as required under subsection (g) and list the retail locations that would receive the funds.

(g) LIMITATIONS.—Assistance provided under this section shall not exceed—

(1) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(2) $180,000 for a combination of equipment at any one retail outlet location.

(h) OPERATION OF RENEWABLE FUEL STATIONS.—The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel sales, the type and amount of the renewable fuel dispensed at each location, and the average price of such fuel.

(i) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel station begins to offer renewable fuel to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of Energy of such opening. The Secretary of Energy shall add each new renewable fuel station to the renewable fuel station locator on its Website when it receives notification under this subsection.

(j) INELIGIBILITY.—Any person receiving a credit may not receive assistance under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

(l) RESTRICTION.—No grant shall be provided under this section to a large, vertically integrated oil company.

SEC. 1305. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO RENEWABLE FUEL INFRASTRUCTURE.

(a) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

''(a) DEFINITION.—In this section:

''(1) RENEWABLE FUEL.—The term 'renewable fuel' means any fuel—

''(A) at least 85 percent of the volume of which consists of ethanol; or

''(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 C.F.R., Part 80)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

''(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

''(A) a franchise under this Act; and

''(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—No franchise-related document entered into or renewed on or after the date of enactment of this section shall contain any provision allowing a franchisor to restrict the franchisee or any affiliate of the franchisee from—

''(A) installing on the marketing premises of the franchisee a renewable fuel pump or tank, except that the franchisee's franchisor may restrict the installation of a tank on leased marketing premises of such franchisor;

''(B) converting an existing tank or pump on the marketing premises of the franchisee for renewable fuel use, so long as such tank or pump and the piping connecting them are either warranted by the manufacturer or certified by a recognized standards setting organization to be suitable for use with such renewable fuel;

''(C) advertising (including through the use of signage) the sale of any renewable fuel;

''(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

''(E) purchasing renewable fuel from sources other than the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

''(F) listing renewable fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

''(G) allowing for payment of renewable fuel with a credit card,

so long as such activities described in subparagraphs (A) through (G) do not constitute mislabeling, misbranding, willful adulteration, or other trademark violations by the franchisee.

''(2) EFFECT OF PROVISION.—Nothing in this section shall be construed to preclude a franchisor from requiring the franchisee to

obtain reasonable indemnification and insurance policies.

''(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an renewable fuel in lieu of 1, and only 1, grade of gasoline.''.

(b) ENFORCEMENT.—Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by striking ''102 or 103'' each place it appears and inserting ''102, 103, or 107''.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by aligning the margin of subparagraph (C) with subparagraph (B).

(2) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

''Sec. 107. Prohibition on restriction of installation of renewable fuel pumps.''; and

(B) by striking the item relating to section 202 and inserting the following:

''Sec. 202. Automotive fuel rating testing and disclosure requirements.''.

SEC. 1306. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) MARKET PENETRATION REPORTS.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary of Energy.

(b) DISPENSER FEASIBILITY STUDY.—Not later than 24 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E-85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

(1) The commercial availability of E-85 fuel and the number of competing E-85 wholesale suppliers in a given region.

(2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E-85 compatible infrastructure.

(3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.

(4) The expense incurred by retailers in the installation and sale of E-85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

SEC. 1307. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 1308. STUDY OF ETHANOL-BLENDED GASOLINE WITH GREATER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Energy and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of widespread utilization in the United States of ethanol blended gasoline with levels of ethanol greater than 10 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing the consumption of ethanol;

(2) an evaluation of the economic, market, and energy impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary for the completion of the study required under this section.

SEC. 1309. STUDY OF THE ADEQUACY OF TRANSPORTATION, DISTRIBUTION, AND RETAIL DISPENSING OF DOMESTICALLY-PRODUCED RENEWABLE FUEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall conduct a study of the adequacy of transportation, distribution, and retail dispensing of domestically-produced renewable fuel.

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

(A) the adequacy of, and appropriate location for tracks, fuel terminals and retail dispensing facilities that have sufficient capacity, and are in the appropriate condition, to move the necessary quantities of domestically-produced renewable fuel;

(B) the adequacy of the supply of equipment and personnel to move the necessary quantities of domestically-produced renewable fuel in a timely fashion;

(C)(i) the projected costs of transporting, distributing, and dispensing the domestically-produced renewable fuel; and

(ii) the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(D) whether there is adequate competition to ensure—

(i) a fair price for transportation, distribution, and retail dispensing of domestically-produced renewable fuel; and

(ii) acceptable levels of service for transportation, distribution, and retail dispensing of domestically-produced renewable fuel;

(E) any infrastructure capital investments that are needed to transport, distribute, and dispense domestically-produced renewable fuel;

(F) whether Federal agencies have adequate legal authority to ensure a fair and reasonable transportation price and acceptable levels of service in cases in which the domestically produced renewable fuel source does not have access to competitive transportation service;

(G) whether Federal agencies have adequate legal authority to address transportation, distribution and retail dispensing problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States; and

(H) any recommendations for any additional legal authorities for Federal agencies to ensure the reliable transportation, distribution, and retail dispensing of adequate supplies of domestically-produced renewable fuel at reasonable prices.

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

SEC. 1310. STANDARD SPECIFICATIONS FOR BIODIESEL.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by redesignating subsection (s) as subsection (t), redesignating subsection (r) (relating to conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels) as subsection (s) and by adding the following new subsection at the end thereof:

''(u) STANDARD SPECIFICATIONS FOR BIODIESEL.—Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel, not later than 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking establishing a series of uniform per gallon fuel standards for categories of fuels that contain biodiesel, including one standard for fuel containing 20 percent biodiesel, and designate an identification number for fuel meeting each standard in each such category so that vehicle manufacturers are able to design engines to use fuel meeting one or more of such standards. The Administrator shall finalize the standards under this subsection 18 months after the date of the enactment of this subsection.''.

SEC. 1311. GRANTS FOR CELLULOSIC ETHANOL PRODUCTION.

Subsection (s) of section 211 of the Clean Air Act (as added by section 1512 of the Energy Policy Act of 2005) (and as redesignated by section 1311 of this Act), relating to conversion assistance for cellulosic biomass,

waste-derived ethanol, and approved renewable fuels, is amended as follows:

(1) By adding the following new subparagraphs at the end of paragraph (3):

''(D) $500,000,000 for fiscal year 2009.

''(E) $500,000,000 for fiscal year 2010.''.

(2) By adding the following new paragraph at the end thereof:

''(5) CRITERIA.—In awarding grants under this section, the Secretary shall give priority to applications that promote feedstock diversity and the geographic dispersion of production facilities.''.

SEC. 1312. CONSUMER EDUCATION CAMPAIGN RELATING TO FLEXIBLE-FUEL VEHICLES.

The Secretary of Transportation, in consultation with the Secretary of Energy, shall carry out an education program to inform consumers about which motor vehicles are flexible-fuel vehicles and how to exercise their opportunity to choose E85 or B20. As part of such program, the Secretary of Transportation may coordinate with motor vehicle manufacturers to notify owners of flexible-fuel vehicles of locations where E85 and B20 are sold in their area.

SEC. 1313. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended—

(1) in subsection (a)—

(A) by inserting '', flexible-fuel,'' after ''production of efficient hybrid''; and

(B) by adding at the end the following: ''Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.''; and

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

''(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the such manufacturing facilities, including by establishing matching grant arrangements.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such $90,000,000 to carry out this section.''.

SEC. 1314. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

There are authorized to be appropriated to the Secretary of Energy $50,000,000 for fiscal year 2008, to remain available until expended, for cellulosic ethanol and biofuels research and development grants to 10 entities from among 1890 land grant colleges, Historically Black Colleges or Universities, Tribal serving institutions, or Hispanic serving institutions, selected by the Secretary of Energy to receive a grant under this section through a peer-reviewed competitive process. The selected entities shall then collaborate with one of the Department of Energy's Office of Science Bioenergy Research Centers.

SEC. 1315. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Dine College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 1316. STUDY OF EFFECT OF OIL PRICES.

The Secretary of Energy shall conduct a study to review the anticipated effects on renewable fuels production if oil were priced no lower than $40 per barrel. The Secretary shall report the findings of such study to Congress by December 31, 2008.

SEC. 1317. BIODIESEL AS ALTERNATIVE FUEL FOR CAFÉ PURPOSES.

Section 32901(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively, and inserting after subparagraph (I) the following:

''(J) B20 biodiesel blend;''; and

(2) by redesignating paragraphs (7) through (16) as paragraphs (9) through (18), respectively, and insert after paragraph (6) the following:

''(7) 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

''(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

''(B) the requirements of the American Society of Testing and Materials D6751.

''(8) 'B20 biodiesel blend' means a mixture of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel, and commonly known as 'B20'.''.

PART 2—UNITED STATES-ISRAEL ENERGY COOPERATION

SEC. 1331. SHORT TITLE.

This part may be cited as the ''United States-Israel Energy Cooperation Act''.

SEC. 1332. FINDINGS.

Congress finds that—

(1) it is in the highest national security interests of the United States to ensure secure access to reliable energy sources;

(2) the United States relies heavily on the foreign supply of crude oil to meet the energy needs of the United States, currently importing 58 percent of the total oil requirements of the United States, of which 45 percent comes from member states of the Organization of Petroleum Exporting Countries (OPEC);

(3) revenues from the sale of oil by some of these countries directly or indirectly provide funding for terrorism and propaganda hostile to the values of the United States and the West;

(4) in the past, these countries have manipulated the dependence of the United States on the oil supplies of these countries to exert undue influence on United States policy, as during the embargo of OPEC during 1973 on the sale of oil to the United States, which became a major factor in the ensuing recession;

(5) research by the Energy Information Administration of the Department of Energy has shown that the dependence of the United States on foreign oil will increase by 33 percent over the next 20 years;

(6) a rise in the price of imported oil sufficient to increase gasoline prices by 10 cents per gallon at the pump would result in an additional outflow of $18,000,000,000 from the United States to oil-exporting nations;

(7) for economic and national security reasons, the United States should reduce, as soon as practicable, the dependence of the United States on nations that do not share the interests and values of the United States;

(8) the State of Israel has been a steadfast ally and a close friend of the United States since the creation of Israel in 1948;

(9) like the United States, Israel is a democracy that holds civil rights and liberties in the highest regard and is a proponent of the democratic values of peace, freedom, and justice;

(10) cooperation between the United States and Israel on such projects as the development of the Arrow Missile has resulted in mutual benefits to United States and Israeli security;

(11) the special relationship between Israel and the United States has been and continues to be manifested in a variety of jointly-funded cooperative programs in the field of scientific research and development, such as—

(A) the United States-Israel Binational Science Foundation (BSF);

(B) the Israel-United States Binational Agricultural Research and Development Fund (BARD); and

(C) the Israel-United States Binational Industrial Research and Development (BIRD) Foundation;

(12) these programs, supported by the matching contributions from the Government of Israel and the Government of the United States and directed by key scientists and academics from both countries, have made possible many scientific breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(13) on February 1, 1996, United States Secretary of Energy Hazel R. O'Leary and Israeli Minister of Energy and Infrastructure Gonen Segev signed the Agreement Between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation, to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(14) the United States and Israeli governments should promote cooperation in a broad range of projects designed to enhance supplies of nonpetroleum energy for both countries, and to provide for cutting edge research in each country;

(15) Israeli scientists and researchers have long been at the forefront of research and development in the field of alternative renewable energy sources;

(16) many of the top corporations of the world have recognized the technological and scientific expertise of Israel by locating important research and development facilities in Israel;

(17) among the technological breakthroughs made by Israeli scientists and researchers in the field of alternative, renewable energy sources are—

(A) the development of a cathode that uses hexavalent iron salts that accept 3 electrons per ion and enable rechargeable batteries to provide 3 times as much electricity as existing rechargeable batteries;

(B) the development of a technique that vastly increases the efficiency of using solar

energy to generate hydrogen for use in energy cells; and

(C) the development of a novel membrane used in new and powerful direct-oxidant fuel cells that is capable of competing favorably with hydrogen fuel cells and traditional internal combustion engines; and

(18) cooperation between the United States and Israel in the field of research and development of alternative renewable energy sources would be in the interests of both countries, and both countries stand to gain much from such cooperation.

SEC. 1333. GRANT PROGRAM.

(a) AUTHORITY.—Pursuant to the responsibilities described in section 102(10), (14), and (17) of the Department of Energy Organization Act (42 U.S.C. 7112(10), (14), and (17)) and section 103(9) of the Energy Reorganization Act of 1974 (42 U.S.C. 5813(9)), the Secretary, in consultation with the BIRD or BSF, shall award grants to eligible entities.

(b) APPLICATION.—

(1) SUBMISSION OF APPLICATIONS.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary containing such information and assurances as the Secretary, in consultation with the BIRD or BSF, may require.

(2) SELECTION OF ELIGIBLE ENTITIES.—The Secretary, in consultation with the Directors of the BIRD and BSF, may review any application submitted by any eligible entity and select any eligible entity meeting criteria established by the Secretary, in consultation with the Advisory Board, for a grant under this section.

(c) AMOUNT OF GRANT.—The amount of each grant awarded for a fiscal year under this section shall be determined by the Secretary, in consultation with the BIRD or BSF.

(d) RECOUPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish procedures and criteria for recoupment in connection with any eligible project carried out by an eligible entity that receives a grant under this section, which has led to the development of a product or process which is marketed or used.

(2) AMOUNT REQUIRED.—

(A) Except as provided in subparagraph (B), such recoupment shall be required as a condition for award and be proportional to the Federal share of the costs of such project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

(B) In the case where a product or process is used by the recipient of a grant under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

(3) WAIVER.—The Secretary may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

(A) the commercial competitiveness of the entity or entities developing or using the product or process;

(B) the profitability of the project; and

(C) the commercial viability of the product or process utilized.

(e) PRIVATE FUNDS.—The Secretary may accept contributions of funds from private sources to carry out this part.

(f) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—The Secretary shall carry out this section through the existing programs at the Office of Energy Efficiency and Renewable Energy.

(g) REPORT.—Not later than 180 days after receiving a grant under this section, each recipient shall submit a report to the Secretary—

(1) documenting how the recipient used the grant funds; and

(2) evaluating the level of success of each project funded by the grant.

SEC. 1334. INTERNATIONAL ENERGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established in the Department of Energy an International Energy Advisory Board.

(b) DUTIES.—The Advisory Board shall advise the Secretary on—

(1) criteria for the recipients of grants awarded under section 1333(a);

(2) the total amount of grant money to be awarded to all grantees selected by the Secretary, in consultation with the BIRD; and

(3) the total amount of grant money to be awarded to all grantees selected by the Secretary, in consultation with the BSF, for each fiscal year.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Board shall be composed of—

(A) 1 member appointed by the Secretary of Commerce;

(B) 1 member appointed by the Secretary of Energy; and

(C) 2 members who shall be Israeli citizens, appointed by the Secretary of Energy after consultation with appropriate officials in the Israeli Government.

(2) DEADLINE FOR APPOINTMENTS.—The initial appointments under paragraph (1) shall be made not later than 60 days after the date of enactment of this Act.

(3) TERM.—Each member of the Advisory Board shall be appointed for a term of 4 years.

(4) VACANCIES.—A vacancy on the Advisory Board shall be filled in the manner in which the original appointment was made.

(5) BASIC PAY.—

(A) COMPENSATION.—A member of the Advisory Board shall serve without pay.

(B) TRAVEL EXPENSES.—Each member of the Advisory Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(6) QUORUM.—Three members of the Advisory Board shall constitute a quorum.

(7) CHAIRPERSON.—The Chairperson of the Advisory Board shall be designated by the Secretary of Energy at the time of the appointment.

(8) MEETINGS.—The Advisory Board shall meet at least once annually at the call of the Chairperson.

(d) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 1335. DEFINITIONS.

In this part:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the International Energy Advisory Board established by section 1334(a).

(2) BIRD.—The term ''BIRD'' means the Israel-United States Binational Industrial Research and Development Foundation.

(3) BSF.—The term ''BSF'' means the United States-Israel Binational Science Foundation.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a joint venture comprised of both Israeli and United States private business entities or a joint venture comprised of both Israeli academic persons (who reside and work in Israel) and United States academic persons, that—

(A) carries out an eligible project; and

(B) is selected by the Secretary, in consultation with the BIRD or BSF, using the criteria established by the Secretary, in consultation with the Advisory Board.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means a project to encourage cooperation between the United States and Israel on research, development, or commercialization of alternative energy, improved energy efficiency, or renewable energy sources.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

SEC. 1336. TERMINATION.

The grant program authorized under section 1333 and the Advisory Board shall terminate upon the expiration of the 7-year period which begins on the date of the enactment of this Act.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

The Secretary is authorized to expend not more than $20,000,000 to carry out this part for each of fiscal years 2008 through 2014 from funds previously authorized to the Office of Energy Efficiency and Renewable Energy.

SEC. 1338. CONSTITUTIONAL AUTHORITY.

The Constitutional authority on which this part rests is the power of Congress to regulate commerce with foreign nations as enumerated in Article I, Section 8 of the United States Constitution.

Subtitle E—Advanced Battery and Plug-In Hybrid Programs

SEC. 1401. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the manufacture of advanced vehicle batteries and battery systems that are developed and produced in the United States, including advanced lithium ion batteries and hybrid electrical system and component manufacturers and software designers.

(b) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (a) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (a);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility.

(d) MATURITY.—A loan guaranteed under subsection (a) shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (a) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(f) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (a) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in

an amount equal to not less than 20 percent of the amount of the loan.

(g) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (a) shall pay the Secretary an amount determined by the Secretary, including defaults, to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(h) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(i) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

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

(k) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (a) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 1402. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended—

(1) in subsection (a)—

(A) by inserting ''and components thereof'' after ''sales of efficient hybrid and advanced diesel vehicles'';

(B) by inserting ''and hybrid component manufacturers'' after ''grants to automobile manufacturers'';

(C) by inserting '', plug-in electric hybrid,'' after ''production of efficient hybrid'';

(D) by inserting ''and suppliers'' after ''automobile manufacturers''; and

(E) by adding at the end the following: ''Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.''; and

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

''(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the such manufacturing facilities, including by establishing matching grant arrangements.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $90,000,000 to carry out this section.''.

SEC. 1403. INCENTIVE FOR FEDERAL AND STATE FLEETS FOR MEDIUM AND HEAVY DUTY HYBRIDS.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking ''or a dual fueled vehicle'' and inserting '', a dual fueled vehicle, or a medium or heavy duty vehicle that is a hybrid vehicle'';

(2) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (14), (15), and (16), respectively;

(3) by inserting after paragraph (10) the following new paragraph:

''(11) the term 'hybrid vehicle' means a vehicle powered both by a diesel or gasoline engine and an electric motor or hydraulic energy storage device that is recharged as the vehicle operates;''; and

(4) by inserting after paragraph (12) (as so redesignated by paragraph (2) of this section) the following new paragraph:

''(13) the term 'medium or heavy duty vehicle' means a vehicle that—

''(A) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; and

''(B) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds;''.

SEC. 1404. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by striking ''The Secretary'' in subsection (a) and inserting ''(1) The Secretary''; and

(2) by adding at the end of subsection (a) the following:

''(2) Not later than January 31, 2009, the Secretary shall allocate credit in an amount to be determined by the Secretary for acquisition of—

''(A) a hybrid electric vehicle;

''(B) a plug-in hybrid electric vehicle;

''(C) a fuel cell electric vehicle;

''(D) a neighborhood electric vehicle; or

''(E) a medium-duty or heavy-duty electric, hybrid electric, hybrid hydraulic, or plug-in hybrid electric vehicle.''; and

(3) by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 2005 (42 U.S.C. 16152).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM-DUTY OR HEAVY-DUTY ELECTRIC, HYBRID ELECTRIC, OR PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'medium-duty or heavy-duty electric, hybrid electric, or plug-in hybrid electric vehicle' is an electric, hybrid electric, or plug-in hybrid electric motor vehicle greater than 8,501 pounds gross vehicle rating.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle, with a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface, that is propelled by an electric motor and on board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.''.

SEC. 1405. STUDYING THE BENEFITS OF PLUG-IN HYBRID ELECTRIC DRIVE VEHICLES AND ELECTRIC DRIVE TRANSPORTATION.

(a) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation in consultation with the Secretary of Energy and appropriate Federal agencies and interested stakeholders in the public, private and non-profit sectors, shall study and report to Congress on the benefits of and barriers to the widespread use of a potentially new class of vehicles known as city cars with performance capability that exceeds that of low speed vehicles but is less than that of passenger vehicles, and which may be battery electric, fuel cell electric, or plug-in hybrid electric vehicles. Such study shall examine the benefits and issues associated with limiting city cars to a maximum speed of 35 mph, 45 mph, 55 mph, or any other maximum speed, and make a recommendation regarding maximum speed.

(b) DEFINITIONS.—In this section—

(1) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given that term in section 216 of the Clean Air Act (42 U.S.C. 7550)), or vehicles of the same classification that are fully or partially powered by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity.

(2) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term '' plug-in electric drive vehicle'' means a means a light-duty, medium-duty, or heavy-duty on-road or nonroad battery electric, hybrid or fuel cell vehicle that can be recharged from an external electricity source for motive power.

(3) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

(B) an internal combustion engine or heat engine using any combustible fuel.

SEC. 1406. PLUG-IN HYBRID VEHICLE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall establish a competitive program to provide grants on a cost-shared basis to State governments, local governments, metropolitan transportation authorities, air pollution control districts, private or nonprofit entities or combinations thereof, to carry out a project or projects to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to the Department, other grantees, and the public, including vehicle and component performance and vehicle and component life cycle costs.

(c) SELECTION CRITERIA.—

(1) PRIORITY.—When making awards under this section, the Secretary shall give priority consideration to applications that encourage early widespread utilization of such vehicles and are likely to make a significant contribution to the advancement of the production of such vehicles in the United States.

(2) SCOPE OF PROGRAMS.—When making awards under this section, the Secretary shall ensure that the programs will maximize diversity in applications, manufacturers, end-uses and vehicle control systems.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section, $60,000,000, to remain available until expended.

(e) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(1) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(2) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in subparagraph (A); and

(3) for any order received by the battery manufacturer for at least 1,000 batteries, offer batteries at that price.

SEC. 1407. NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.

(a) REVOLVING LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects.

(2) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this subsection.

(b) MARKET ASSESSMENT AND ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(A) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(B) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(2) ELECTRICITY USAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers; and

(ii) to study and demonstrate the potential value to the electric grid of using the energy stored in the on-board storage systems to improve the efficiency of the grid generation system; and

(B) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(3) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (2), the Secretary shall provide grants to assist eligible public and private electric utilities to conduct programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(c) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—In this section, the term ''qualified electric transportation project'' includes a project relating to—

(1) ship-side or shore-side electrification for vessels;

(2) truck-stop electrification;

(3) electric truck refrigeration units;

(4) battery-powered auxiliary power units for trucks;

(5) electric airport ground support equipment;

(6) electric material/cargo handling equipment;

(7) electric or dual-mode electric freight rail;

(8) any distribution upgrades needed to supply electricity to the qualified electric transportation projects; and

(9) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformer, and trenching.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry this section $90,000,000 for each of the fiscal years 2008 through 2011.

Subtitle A—Energy Market Study

SEC. 1501. FINDINGS.

The Congress finds that—

(1) the Energy Information Administration's data is critical not merely for analysis of the role of energy in our economy and environment, but for the effective functioning of domestic and international energy markets.

(2) Federal and State policymakers rely on the Energy Information Administration to collect and report State level energy information needed for energy policymaking, compliance with Federal and State mandates, and for purposes of emergency energy preparedness and response;

(3) as policymakers consider and implement policies to cut greenhouse gas emissions, accurate, timely, and comparable State energy information becomes even more important;

(4) new and expanded sources of information about energy demand and supply have become available and need to be incorporated in the Energy Information Administration's data and analysis functions;

(5) the Energy Information Administration needs to maintain and enhance its ability to collect, process, and analyze data while confronting broader demands for information in greater detail; and

(6) budget and personnel constraints have forced the Energy Information Administration to curtail surveys relied upon by energy and financial markets and could further defer important improvements in the scope and quality of resulting information.

SEC. 1502. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—The Administrator of the Energy Information Administration shall establish a 5-year plan to enhance the quality and scope of the data collection necessary to ensure the scope, accuracy, and timeliness of the information needed for efficient functioning of energy markets and related financial operations. Particular attention shall be paid to restoring data series terminated because of budget constraints, data on demand response, timely data series of State-level information, improvements in the area of oil and gas data, and the ability to provide data mandated by Congress promptly and completely.

(b) SUBMITTAL TO CONGRESS.—The Administrator shall submit this plan to Congress detailing improvements needed to enhance the Energy Information Administration's ability to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—The Administrator shall—

(1) establish guidelines to ensure the quality, comparability, and scope of State energy data, including data on energy production and consumption by product and sector and renewable and alternative sources, required to provide a comprehensive, accurate energy profile at the State level;

(2) share company-level data collected at the State level with the State involved, provided the State has agreed to reasonable guidelines for its use adopted by the Administrator;

(3) assess any existing gaps in data obtained by and compiled by the Energy Information Administration; and

(4) evaluate the most cost effective ways to address any data quality and quantity issues in conjunction with State officials.

The Energy Information Administration shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in establishing these guidelines and scope of State level data, as well as in exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—The Administrator shall provide an assessment of these State-level data needs to the Congress not later than 1 year after the date of enactment of this Act, detailing a plan to address the needs identified.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for carrying out this section, in addition to any other authorizations—

(1) $10,000,000 for fiscal year 2008;

(2) $10,000,000 for fiscal year 2009;

(3) $10,000,000 for fiscal year 2010;

(4) $15,000,000 for fiscal year 2011;

(5) $20,000,000 for fiscal year 2012; and

(6) such sums as are necessary for subsequent fiscal years.

TITLE II—SCIENCE AND TECHNOLOGY

Subtitle A—Geothermal Energy

SEC. 2001. SHORT TITLE.

This subtitle may be cited as the ''Advanced Geothermal Energy Research and Development Act of 2007''.

SEC. 2002. DEFINITIONS.

For purposes of this subtitle:

(1) ENGINEERED.—When referring to enhanced geothermal systems, the term ''engineered'' means subjected to intervention, including intervention to address one or more of the following issues:

(A) Lack of effective permeability or porosity or open fracture connectivity within the reservoir.

(B) Insufficient contained geofluid in the reservoir.

(C) A low average geothermal gradient, which necessitates deeper drilling.

(2) ENHANCED GEOTHERMAL SYSTEMS.—The term ''enhanced geothermal systems'' means geothermal reservoir systems that are engineered, as opposed to occurring naturally.

(3) GEOFLUID.—The term ''geofluid'' means any fluid used to extract thermal energy from the Earth which is transported to the surface for direct use or electric power generation, except that such term shall not include oil or natural gas.

(4) GEOPRESSURED RESOURCES.—The term ''geopressured resources'' mean geothermal deposits found in sedimentary rocks under higher than normal pressure and saturated with gas or methane.

(5) GEOTHERMAL.—The term ''geothermal'' refers to heat energy stored in the Earth's crust that can be accessed for direct use or electric power generation.

(6) HYDROTHERMAL.—The term ''hydrothermal'' refers to naturally occurring subsurface reservoirs of hot water or steam.

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

(8) SYSTEMS APPROACH.—The term ''systems approach'' means an approach to solving problems or designing systems that attempts to optimize the performance of the overall system, rather than a particular component of the system.

SEC. 2003. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support programs of research, development, demonstration, and commercial application to expand the use of geothermal energy production from hydrothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The Secretary, in consultation with other appropriate agencies, shall support a program to develop advanced geophysical, geochemical, and geologic tools to assist in locating hidden hydrothermal resources, and to increase the reliability of site characterization before, during, and after initial drilling. The program shall develop new prospecting techniques to assist in prioritization of targets for characterization.

The program shall include a field component.

(2) INDUSTRY COUPLED EXPLORATORY DRILLING.—The Secretary shall support a program of cost-shared field demonstration programs, to be pursued, simultaneously and independently, in collaboration with industry partners, for the demonstration of technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings. The program shall include incentives to encourage the use of advanced technologies and techniques.

SEC. 2004. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding extreme geothermal environments and necessary to cost-effectively develop, produce, and monitor geothermal reservoirs and produce geothermal energy. These components and systems shall include advanced casing systems (expandable tubular casing, low-clearance casing designs, and others), high-temperature cements, high-temperature submersible pumps, and high-temperature packers, as well as technologies for under-reaming, multilateral completions, high-temperature logging, and logging while drilling.

(b) RESERVOIR PERFORMANCE MODELING.—The Secretary shall support a program of research, development, demonstration, and commercial application of models of geothermal reservoir performance, with an emphasis on accurately modeling performance over time. Models shall be developed to assist both in the development of geothermal reservoirs and to more accurately account for stress-related effects in stimulated hydrothermal and enhanced geothermal systems production environments.

(c) ENVIRONMENTAL IMPACTS.—The Secretary shall—

(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use, and seek to ensure that geothermal energy development is consistent with the highest practicable standards of environmental stewardship; and

(2) in conjunction with the Assistant Administrator for Research and Development at the Environmental Protection Agency, support a research program to identify potential environmental impacts of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including effects on groundwater and local hydrology.

Any potential environmental impacts identified as part of the development, production, and use of geothermal energy shall be measured and examined against the potential emissions offsets of greenhouses gases gained by geothermal energy development, production, and use.

SEC. 2005. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—The Secretary shall support a program of research, development, demonstration, and commercial application of the technologies and knowledge necessary for enhanced geothermal systems to advance to a state of commercial readiness, including advances in—

(A) reservoir stimulation;

(B) reservoir characterization, monitoring, and modeling;

(C) stress mapping;

(D) tracer development;

(E) three-dimensional tomography;

(F) understanding seismic effects of reservoir engineering and stimulation; and

(G) laser-based drilling technology.

(2) ENHANCED GEOTHERMAL SYSTEMS RESERVOIR STIMULATION.—

(A) PROGRAM.—In collaboration with industry partners, the Secretary shall support a program of research, development, and demonstration of enhanced geothermal systems reservoir stimulation technologies and techniques. A minimum of 5 sites shall be selected in locations that show particular promise for enhanced geothermal systems development. Each site shall—

(i) represent a different class of subsurface geologic environments; and

(ii) take advantage of an existing site where subsurface characterization has been conducted or existing drill holes can be utilized, if possible.

(B) CONSIDERATION OF EXISTING SITES.—The following 2 sites, where Department of Energy and industry cooperative enhanced geothermal systems projects are already underway, may be considered for inclusion among the sites selected under subparagraph (A):

(i) Desert Peak, Nevada.

(ii) Coso, California.

SEC. 2006. GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS AND RECOVERY AND PRODUCTION OF GEOPRESSURED GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall establish a program of research, development, demonstration, and commercial application to support development of geothermal energy production from oil and gas fields and production and recovery of energy from geopressured resources. In addition, the Secretary shall conduct such supporting activities including research, resource characterization, and technology development as necessary.

(b) GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS.—The Secretary shall implement a grant program in support of geothermal energy production from oil and gas fields. The program shall include grants for a total of not less than three demonstration projects of the use of geothermal techniques such as organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(1) include not less than five oil or gas well sites per project award;

(2) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(3) cover a range of sizes up to one megawatt;

(4) are located at a range of sites;

(5) can be replicated at a wide range of sites;

(6) facilitate identification of optimum techniques among competing alternatives;

(7) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(8) satisfy other criteria that the Secretary determines are necessary to carry out the program and collect necessary data and information.

The Secretary shall give preference to assessments that address multiple elements contained in paragraphs (1) through (8).

(c) GRANT AWARDS.—Each grant award for demonstration of geothermal technology such as organic rankine cycle systems at oil and gas wells made by the Secretary under subsection (b) shall include—

(1) necessary and appropriate site engineering study;

(2) detailed economic assessment of site specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) design or adaptation of existing technology for site specific circumstances or conditions;

(5) installation of equipment, service, and support;

(6) operation for a minimum of one year and monitoring for the duration of the demonstration; and

(7) validation of technical and economic assumptions and documentation of lessons learned.

(d) GEOPRESSURED GAS RESOURCE RECOVERY AND PRODUCTION.—(1) The Secretary shall implement a program to support the research, development, demonstration, and commercial application of cost-effective techniques to produce energy from geopressured resources situated in and near the Gulf of Mexico.

(2) The Secretary shall solicit preliminary engineering designs for geopressured resources production and recovery facilities.

(3) Based upon a review of the preliminary designs, the Secretary shall award grants, which may be cost-shared, to support the detailed development and completion of engineering, architectural and technical plans needed to support construction of new designs.

(4) Based upon a review of the final design plans above, the Secretary shall award cost-shared development and construction grants for demonstration geopressured production facilities that show potential for economic recovery of the heat, kinetic energy and gas resources from geopressured resources.

(e) COMPETITIVE GRANT SELECTION.—Not less than 90 days after the date of the enactment of this Act, the Secretary shall conduct a national solicitation for applications for grants under the programs outlined in subsections (b) and (d). Grant recipients shall be selected on a competitive basis based on criteria in the respective subsection.

(f) WELL DRILLING.—No funds may be used under this section for the purpose of drilling new wells.

SEC. 2007. GEOPOWERING AMERICA.

(a) IN GENERAL.—The Secretary shall expand the Department of Energy's GeoPowering the West program to extend its geothermal technology transfer activities throughout the entire United States. The program shall be renamed ''GeoPowering America''. The program shall continue to be based in the Department of Energy office in Golden, Colorado.

(b) ADDITIONAL PURPOSES.—In addition to the other duties of GeoPowering the West, the new GeoPowering America program is authorized to serve as an information clearinghouse for the geothermal industry, collecting and disseminating information on best practices in all areas related to developing and managing hydrothermal resources, geothermal resources from oil and gas fields, enhanced geothermal systems resources, and geopressured resources. GeoPowering America shall collect and disseminate information on all subjects germane to the development and use of hydrothermal systems, geothermal systems from oil and gas fields, enhanced geothermal systems, and geopressured systems. Information for hydrothermal systems shall at a minimum include—

(1) resource location;

(2) reservoir characterization, monitoring, and modeling;

(3) drilling techniques;

(4) reservoir management techniques; and

(5) technologies for electric power conversion or direct use of geothermal energy.

SEC. 2008. EDUCATIONAL PILOT PROGRAM.

The Secretary shall seek to award grant funding, on a competitive basis, to an institution of higher education for a geothermal-powered energy generation facility on the institution's campus. The purpose of the facility shall be to provide electricity and space heating. The facility shall also serve as an educational resource to students in relevant fields of study, and the data generated by the facility shall be available to students and the general public. The total funding award shall not exceed $2,000,000.

SEC. 2009. REPORTS.

(a) REPORTS ON ADVANCED USES OF GEOTHERMAL ENERGY.—Not later than 1 year, 3 years, and 5 years, after the date of enactment of this Act, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States. The reports shall include—

(1) the use of carbon dioxide as an alternative geofluid with potential carbon sequestration benefits;

(2) mineral recovery from geofluids;

(3) use of geothermal energy to produce hydrogen;

(4) use of geothermal energy to produce biofuels;

(5) use of geothermal heat for oil recovery from oil shales and tar sands; and

(6) other advanced geothermal technologies, including advanced drilling technologies and advanced power conversion technologies.

(b) PROGRESS REPORTS.—(1) Not later than 36 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an interim report describing the progress made under this subtitle. At the end of 60 months, the Secretary shall submit to Congress a report on the results of projects undertaken under this subtitle and other such information the Secretary considers appropriate.

(2) As necessary, the Secretary shall report to the Congress on any legal, regulatory, or other barriers encountered that hinder economic development of these resources, and provide recommendations on legislative or other actions needed to address such impediments.

SEC. 2010. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving the applicability of any requirement under any environmental or other Federal or State law.

SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $80,000,000 for each of the fiscal years 2008 through 2012, of which $20,000,000 for each fiscal year shall be for carrying out section 2006.

Subtitle B—Biofuels

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''Biofuels Research and Development Enhancement Act''.

SEC. 2102. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 2.5 percent the proportion of diesel fuel sold in the United States that is biodiesel (within the meaning of section 211(o) of the Clean Air Act).

(b) MATERIALS FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology shall make publicly available the physical property data and characterization of biodiesel, as is defined in subsection (a), in order to encourage the establishment of standards that will promote their utilization in the transportation and fuel delivery system.

SEC. 2103. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent of the transportation fuels sold in the United States fuel with biogas or a blend of biogas and natural gas.

SEC. 2104. GRANTS FOR BIOFUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of biofuel production technologies other than ethanol production from corn, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a); or

(B) be a consortium including at least 1 such institution of higher education, and industry, State agencies, Indian tribal agencies, National Laboratories, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 2105. BIOREFINERY ENERGY EFFICIENCY.

Section 932 of Energy Policy Act of 2005 (42 U.S.C. 16232), is amended by adding at the end the following new subsections:

''(g) BIOREFINERY ENERGY EFFICIENCY.—The Secretary shall establish a program of research, development, demonstration, and commercial application for increasing energy efficiency and reducing energy consumption in the operation of biorefinery facilities.

''(h) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application on technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.''.

SEC. 2106. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, shall conduct a study of the methods of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the environmental consequences of the ethanol blends described in subsection (a) on evaporative and exhaust emissions from on-road, off-road, and marine vehicle engines;

(3) an evaluation of the consequences of the ethanol blends described in subsection (a) on the operation, durability, and performance of on-road, off-road, and marine vehicle engines; and

(4) an evaluation of the life cycle impact of the use of the ethanol blends described in subsection (a) on carbon dioxide and greenhouse gas emissions.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 2107. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of whether optimizing flexible fueled vehicles to operate using E–85 fuel would increase the fuel efficiency of flexible fueled vehicles.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 2108. STUDY OF ENGINE DURABILITY AND PERFORMANCE ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on the performance and durability of engines and engine systems.

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

(1) an assessment of whether the use of biodiesel lessens the durability and performance of conventional diesel engines and engine systems; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including the following percentage concentrations of biodiesel:

(A) 5 percent biodiesel.

(B) 10 percent biodiesel.

(C) 20 percent biodiesel.

(D) 30 percent biodiesel.

(E) 100 percent biodiesel.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 2109. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

(a) Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (2) by striking ''and'';

(B) at the end of paragraph (3) by striking the period and inserting ''; and''; and

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

''(4) $963,000,000 for fiscal year 2010.''; and

(2) in subsection (c)—

(A) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000'';

(B) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''; and

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

''(4) $419,000,000 for fiscal year 2010, of which $150,000,00 shall be for section 932(d).''.

SEC. 2110. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended—

(1) in subsection (a)(1), by striking ''and computational biology'' and inserting ''computational biology, and environmental science''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''in sustainable production systems that reduce greenhouse gas emissions'' after ''hydrogen'';

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

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph:

''(4) develop cellulosic and other feedstocks that are less resource and land intensive and that promote sustainable use of resources, including soil, water, energy, forests, and land, and ensure protection of air, water, and soil quality; and''.

(b) TOOLS AND EVALUATION.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture, shall establish a research and development program to—

(1) improve and develop analytical tools to facilitate the analysis of life-cycle energy and greenhouse gas emissions, including emissions related to direct and indirect land use changes, attributable to all potential biofuel feedstocks and production processes; and

(2) promote the systematic evaluation of the impact of expanded biofuel production on the environment, including forestlands, and on the food supply for humans and animals.

(c) SMALL-SCALE PRODUCTION AND USE OF BIOFUELS.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a research and development program to facilitate small-scale production, local, and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.

SEC. 2111. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of methods of increasing the fuel efficiency of vehicles using biogas by optimizing natural gas vehicle systems that can operate on biogas, including the advancement of vehicle fuel systems and the combination of hybrid-electric and plug-in hybrid electric drive platforms with natural gas vehicle systems using biogas.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 2112. ALGAL BIOMASS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the research and development that is being conducted on the use of algae as a feedstock for the production of biofuels. The report shall identify continuing research and development challenges and any regulatory or other barriers found by the Secretary that hinder the use of this resource, as well as recommendations on how to encourage and further its development as a viable transportation fuel.

SEC. 2113. BLENDED FUELS.

The Secretary shall carry out a program of research, development, and demonstration as it relates to the blending of transportation fuels derived from coal-to-liquids and the blending thereof with transportation fuels derived from renewable sources, including biomass (as defined in section 932 of the Energy Policy Act of 2005). The program shall focus on—

(1) maximizing the fungibility and supply of blended transportation fuels;

(2) the viability of the blend as a cost competitive replacement for transportation fuels;

(3) evaluation of the environmental consequences of the blend on evaporative and exhaust emissions from on-road and off-road engines;

(4) the quality of the resultant blend at varying concentrations of biofuel; and

(5) other areas the Secretary considers appropriate.

Subtitle C—Carbon Capture and Storage

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007''.

SEC. 2202. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

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

(1) in the section heading, by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and storage research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and storage technologies related to electric power generating systems'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

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

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) FUNDAMENTAL SCIENCE AND ENGINEERING RESEARCH AND DEVELOPMENT AND DEMONSTRATION SUPPORTING CARBON CAPTURE AND STORAGE TECHNOLOGIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store carbon dioxide, or to learn how to use carbon dioxide in products to lead to an overall reduction of carbon dioxide emissions.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities and the field testing of carbon sequestration and carbon use activities, including—

''(i) development of new or advanced technologies for the capture of carbon dioxide;

''(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of the compression of carbon dioxide required for the storage of carbon dioxide;

''(iii) modeling and simulation of geological sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies; and

''(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide.

''(2) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity;

''(vi) deep geologic systems containing basalt formations; and

''(vii) high altitude terrain oil and gas fields.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geological formations;

''(iii) to refine storage capacity estimated for particular geological formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

''(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide;

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy; and

''(viii) to support Environmental Protection Agency efforts, in consultation with other agencies, to develop a scientifically sound regulatory framework to enable commercial-scale sequestration operations.

''(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider

a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(C) SOURCE OF CARBON DIOXIDE FOR LARGE-SCALE SEQUESTRATION DEMONSTRATIONS.—In the process of any acquisition of carbon dioxide for sequestration demonstrations under subparagraph (A), the Secretary shall give preference to purchases of carbon dioxide from industrial and coal-fired electric generation facilities. To the extent feasible, the Secretary shall prefer test projects from industrial and coal-fired electric generation facilities that would facilitate the creation of an integrated system of capture, transportation and storage of carbon dioxide, including facilities that convert coal to one or more liquid or gaseous transportation fuels. Until coal-fired electric generation facilities, either new or existing, are operating with carbon dioxide capture technologies, other industrial sources of carbon dioxide should be pursued under this paragraph. The preference provided for under this subparagraph shall not delay the implementation of the large-scale sequestration tests under this paragraph.

''(D) DEFINITION.—For purposes of this paragraph, the term 'large-scale' means the injection of more than 1,000,000 metric tons of carbon dioxide annually, or a scale that demonstrably exceeds the necessary thresholds in key geologic transients to validate the ability continuously to inject quantities on the order of several million metric tons of industrial carbon dioxide annually for a large number of years.

''(4) LARGE-SCALE DEMONSTRATION OF CARBON DIOXIDE CAPTURE TECHNOLOGIES.—

''(A) IN GENERAL.—The Secretary shall carry out at least 3 and no more than 5 demonstrations, that include each of the technologies described in subparagraph (B), for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide, at least 2 of which are facilities that generate electric energy from fossil fuels. Candidate facilities for other demonstrations under this paragraph shall include facilities that refine petroleum, convert coal to one or more liquid or gaseous transportation fuels, manufacture iron or steel, manufacture cement or cement clinker, manufacture commodity chemicals, and ethanol and fertilizer plants. Consideration may be given to capture of carbon dioxide from industrial facilities and electric generation carbon sources that are near suitable geological reservoirs and could continue sequestration. To ensure reduced carbon dioxide emissions, the Secretary shall take necessary actions to provide for the integration of the program under this paragraph with the long-term carbon dioxide sequestration demonstrations described in paragraph (3). These actions should not delay implementation of the large-scale sequestration tests authorized in paragraph (3).

''(B) TECHNOLOGIES.—The technologies referred to in subparagraph (A) are precombustion capture, post-combustion capture, and oxycombustion.

''(C) SCOPE OF AWARD.—An award under this paragraph shall be only for the portion of the project that carries out the large-scale capture (including purification and compression) of carbon dioxide, as well as the cost of transportation and injection of carbon dioxide.

''(5) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

''(6) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out this section, other than subsection (c)(3) and (4)—

''(A) $100,000,000 for fiscal year 2008;

''(B) $100,000,000 for fiscal year 2009;

''(C) $100,000,000 for fiscal year 2010; and

''(D) $100,000,000 for fiscal year 2011.

''(2) SEQUESTRATION.—There are authorized to be appropriated to the Secretary for carrying out subsection (c)(3)—

''(A) $140,000,000 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $140,000,000 for fiscal year 2010; and

''(D) $140,000,000 for fiscal year 2011.

''(3) CARBON CAPTURE.—There are authorized to be appropriated to the Secretary for carrying out subsection (c)(4)—

''(A) $180,000,000 for fiscal year 2009;

''(B) $180,000,000 for fiscal year 2010;

''(C) $180,000,000 for fiscal year 2011; and

''(D) $180,000,000 for fiscal year 2012.''.

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 963 in the table of contents for the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 963. Carbon capture and storage research, development, and demonstration program.''.

SEC. 2203. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences for an independent review and oversight, beginning in 2011, of the programs under section 963(c)(3) and (4) of the Energy Policy Act of 2005, as added by section 2202 of this subtitle, to ensure that the benefits of such programs are maximized. Not later than January 1, 2012, the Secretary shall transmit to the Congress a report on the results of such review and oversight.

SEC. 2204. SAFETY RESEARCH.

(a) PROGRAM.—The Assistant Administrator for Research and Development of the Environmental Protection Agency shall conduct a research program to determine procedures necessary to protect public health, safety, and the environment from impacts that may be associated with capture, injection, and sequestration of greenhouse gases in subterranean reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 2205. GEOLOGICAL SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences to undertake a study that—

(A) defines an interdisciplinary program in geology, engineering, hydrology, environmental science, and related disciplines that will support the Nation's capability to capture and sequester carbon dioxide from anthropogenic sources;

(B) addresses undergraduate and graduate education, especially to help develop graduate level programs of research and instruction that lead to advanced degrees with emphasis on geological sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that wish to implement geological sequestration science programs that advance the Nation's capacity to address carbon management through geological sequestration science; and

(D) outlines a budget and recommendations for how much funding will be necessary to establish and carry out the grant program under subsection (b).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a copy of the results of the study provided by the National Academy of Sciences under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $1,000,000 for fiscal year 2008.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Energy, through the National Energy Technology Laboratory, shall establish a competitive grant program through which colleges and universities may apply for and receive 4-year grants for—

(A) salary and startup costs for newly designated faculty positions in an integrated geological carbon sequestration science program; and

(B) internships for graduate students in geological sequestration science.

(2) RENEWAL.—Grants under this subsection shall be renewable for up to 2 additional 3-year terms, based on performance criteria, established by the National Academy of Sciences study conducted under subsection (a), that include the number of graduates of such programs.

(3) INTERFACE WITH REGIONAL GEOLOGICAL CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geological carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department of Energy to provide internships and practical training in carbon capture and geological sequestration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection such sums as may be necessary.

SEC. 2206. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with other appropriate agencies, shall establish a university based research and development program to study carbon capture and sequestration using the various types of coal.

(b) GRANTS.—Under this section, the Secretary shall award 5 grants for projects submitted by colleges or universities to study carbon capture and sequestration in conjunction with the recovery of oil and other enhanced elemental and mineral recovery. Consideration shall be given to areas that have regional sources of coal for the study of carbon capture and sequestration.

(c) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall designate that at least 2 of these grants shall be awarded to rural or agricultural based institutions that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration in conjunction with the recovery of oil and other enhanced elemental and mineral recovery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle D—Produced Water Utilization

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the ''Produced Water Utilization Act of 2007''.

SEC. 2302. FINDINGS.

The Congress finds as follows:

(1) The population of the United States is increasing, and as the population increases, additional potable water supplies are required to sustain individuals, agricultural

production, and industrial users, particularly in the Mountain West and desert Southwest, where water resources are scarce.

(2) During the development of domestic energy sources, including coalbed methane, oil, and natural gas, water may be extracted from underground sources and brought to the surface, often increasing energy production from subsurface geological formations in the process.

(3) Produced water frequently contains increased levels of potentially harmful dissolved solids, rendering much of the water nonpotable and unsuitable for agricultural or industrial uses, and encouraging reinjection of the water to subsurface geological formations to safely dispose of it, which may lead to reduced production of domestic energy resources and increased costs to producers.

(4) Increasing environmentally responsible surface utilization of produced water would—

(A) increase water supplies available for agricultural and industrial use;

(B) reduce the amount of produced water returned to underground formations; and

(C) increase domestic energy production by reducing costs associated with reinjection of produced water to the subsurface.

SEC. 2303. DEFINITIONS.

In this subtitle:

(1) EXISTING PROGRAM.—The term ''existing program'' means a program at the Department of Energy which is engaged in research, development, demonstration, and commercial application of technologies for unconventional domestic natural gas production and other domestic petroleum production as of the date of enactment of this Act.

(2) PRODUCED WATER.—The term ''produced water'' means water from an underground source that is brought to the surface as part of the process of exploration for or development of coalbed methane, oil, natural gas, or any other substance to be used as an energy source.

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

SEC. 2304. PURPOSES.

(a) IN GENERAL.—The Secretary shall carry out under this subtitle, in conjunction with an existing program, a program of research, development, and demonstration of technologies for environmentally sustainable utilization of produced water for use for agriculture, irrigation, municipal, or industrial uses, or other environmentally sustainable purposes. The program shall be designed to maximize the utilization of produced water in the United States by increasing the quality of produced water and reducing the environmental impacts of produced water.

(b) PROGRAM ELEMENTS.—The program under this subtitle shall address the following areas, including improving safety and minimizing environmental impacts of activities within each area:

(1) Produced water recovery, including research for desalination and demineralization to reduce total dissolved solids in the produced water.

(2) Produced water utilization for agricultural, irrigation, municipal, or industrial uses, or other environmentally sustainable purposes.

(3) Reinjection of produced water into subsurface geological formations to increase energy production.

(c) PROGRAM ADMINISTRATION.—The program under this subtitle shall be administered by a consortium, administering an existing program, whose members have collectively demonstrated capabilities and experience in planning and managing research, development, demonstration, and commercial application programs for unconventional natural gas and other petroleum production and produced water utilization.

(d) ACTIVITIES AT THE NATIONAL ENERGY TECHNOLOGY LABORATORY.—The Secretary, through the National Energy Technology Laboratory, shall carry out a program of research, development, and demonstration activities complementary to and supportive of the research, development, and demonstration programs under subsection (b).

(e) CONSULTATION.—In carrying out this subtitle, the Secretary shall consult regularly with the Secretary of the Interior and the Administrator of the Environmental Protection Agency.

SEC. 2305. SUNSET.

The authority provided by this subtitle shall terminate on September 30, 2016.

SEC. 2306. FUNDING.

(a) ALLOCATION.—Amounts appropriated for this subtitle for each fiscal year shall be allocated as follows:

(1) 75 percent shall be for activities under section 2304(a), (b), and (c).

(2) 25 percent shall be for activities under section 2304(d) and other activities under section 2304, including administrative functions such as program direction, overall program oversight, and contract management.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $20,000,000 for each of fiscal years 2008 through 2016.

Subtitle E—Natural Gas Vehicles

SEC. 2401. NATURAL GAS VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Energy shall conduct a 5-year program of natural gas vehicle research, development, and demonstration. The Secretary shall coordinate with the Administrator of the Environmental Protection Agency, as necessary.

(b) PURPOSE.—The program under this section shall focus on—

(1) the continued improvement and development of new, cleaner, more efficient light-duty, medium-duty, and heavy-duty natural gas vehicle engines;

(2) the integration of those engines into light-duty, medium-duty, and heavy-duty natural gas vehicles for onroad and offroad applications;

(3) expanding product availability by assisting manufacturers with the certification of the engines or vehicles described in paragraph (1) or (2) to Federal or California certification requirements and in-use emission standards;

(4) the demonstration and proper operation and use of the vehicles described in paragraph (2) under all operating conditions;

(5) the development and improvement of nationally recognized codes and standards for the continued safe operation of natural gas vehicles and their components;

(6) improvement in the reliability and efficiency of natural gas fueling station infrastructure;

(7) the certification of natural gas fueling station infrastructure to nationally recognized and industry safety standards;

(8) the improvement in the reliability and efficiency of onboard natural gas fuel storage systems;

(9) the development of new natural gas fuel storage materials;

(10) the certification of onboard natural gas fuel storage systems to nationally recognized and industry safety standards; and

(11) the use of natural gas engines in hybrid vehicles.

(c) CERTIFICATION OF CONVERSION SYSTEMS.—The Secretary shall coordinate with the Administrator on issues related to streamlining the certification of natural gas conversion systems to the appropriate Federal certification requirements and in-use emission standards.

(d) COOPERATION AND COORDINATION WITH INDUSTRY.—In developing and carrying out the program under this section, the Secretary shall coordinate with the natural gas vehicle industry to ensure cooperation between the public and the private sector.

(e) CONDUCT OF PROGRAM.—The program under this section shall be conducted in accordance with sections 3001 and 3002 of the Energy Policy Act of 1992.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide a report to Congress on the implementation of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

(h) DEFINITION.—For purposes of this section, the term ''natural gas'' means compressed natural gas, liquefied natural gas, biomethane, and mixtures of hydrogen and methane or natural gas.

Subtitle F—Energy Efficient Buildings

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Energy Efficient Buildings Act of 2007''.

SEC. 2502. ENERGY EFFICIENT BUILDING GRANT PROGRAM.

(a) ENERGY EFFICIENT BUILDING PILOT GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy (in this subtitle referred to as the ''Secretary'') shall establish a pilot program to award grants to businesses and organizations for new construction of energy efficient buildings, or major renovations of buildings that will result in energy efficient buildings, to demonstrate innovative energy efficiency technologies, especially those sponsored by the Department of Energy.

(2) AWARDS.—The Secretary shall award grants under this subsection competitively to those applicants whose proposals—

(A) best demonstrate—

(i) likelihood to meet or exceed the standards referred to in subsection (b)(2);

(ii) likelihood to maximize cost-effective energy efficiency opportunities; and

(iii) advanced energy efficiency technologies; and

(B) maximize the leverage of private investment for costs related to increasing the energy efficiency of the building.

(3) CONSIDERATION.—The Secretary shall give due consideration to proposals for buildings that are likely to serve low and moderate income populations.

(4) AMOUNT OF GRANTS.—Grants under this subsection shall be for up to 50 percent of design and energy modeling costs, not to exceed $50,000 per building. No single grantee may be eligible for more than 3 grants per year under this program.

(5) GRANT PAYMENTS.—

(A) INITIAL PAYMENT.—The Secretary shall pay 50 percent of the total amount of the grant to grant recipients upon selection.

(B) REMAINDER OF PAYMENT.—The Secretary shall pay the remaining 50 percent of the grant only after independent certification, by a professional engineer or other qualified professional, that operational buildings are energy efficient buildings as defined in subsection (b).

(C) FAILURE TO COMPLY.—The Secretary shall not provide the remainder of the payment unless the building is certified within 6 months after operation of the completed building to meet the requirements described in subparagraph (B), or in the case of major renovations the building is certified within 6 months of the completion of the renovations.

(6) REPORT TO CONGRESS.—Not later than 3 years after awarding the first grant under

this subsection, the Secretary shall transmit to Congress a report containing—

(A) the total number and dollar amount of grants awarded under this subsection; and

(B) an estimate of aggregate cost and energy savings enabled by the pilot program under this subsection.

(7) ADMINISTRATIVE EXPENSES.—Administrative expenses for the program under this subsection shall not exceed 10 percent of appropriated funds.

(b) DEFINITION OF ENERGY EFFICIENT BUILDING.—For purposes of this section the term ''energy efficient building'' means a building that—

(1) achieves a reduction in energy consumption of—

(A) at least 30 percent for new construction, compared to the energy standards set by the 2004 International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1–2004; or

(B) at least 20 percent for major renovations, compared to energy consumption before renovations are begun;

(2) is constructed or renovated in accordance with the most current, appropriate, and applicable voluntary consensus standards, as determined by the Secretary, such as those listed in the assessment under section 914(b), or revised or developed under section 914(c), of the Energy Policy Act of 2005; and

(3) after construction or renovation—

(A) uses heating, ventilating, and air conditioning systems that perform at no less than Energy Star standards; or

(B) if Energy Star standards are not applicable, uses Federal Energy Management Program recommended heating, ventilating, and air conditioning products.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2012.

Subtitle G—Plug-In Hybrid Electric Vehicles

SEC. 2601. SHORT TITLE.

This subtitle may be cited as the ''Plug-In Hybrid Electric Vehicle Act of 2007''.

SEC. 2602. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means a device or system for the electrochemical storage of energy.

(2) BIOMASS.—The term ''biomass'' has meaning given the term in section 932 of the Energy Policy Act of 2005 (42 U.S.C. 16232).

(3) E85.—The term ''E85'' means a fuel blend containing 85 percent ethanol and 15 percent gasoline by volume.

(4) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use offboard electricity, including battery electric vehicles, fuel cell vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, flexible fuel plug-in hybrid electric vehicles, and electric rail; and

(B) related equipment, including electric equipment necessary to recharge a plug-in hybrid electric vehicle.

(5) FLEXIBLE FUEL PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''flexible fuel plug-in hybrid electric vehicle'' means a plug-in hybrid electric vehicle—

(A) warranted by its manufacturer as capable of operating on any combination of gasoline or E85 for its onboard internal combustion or heat engine; or

(B) that uses a fuel cell for battery charging when disconnected from offboard power sources.

(6) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an onroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(7) HYBRID ELECTRIC VEHICLE.—The term ''hybrid electric vehicle'' means an onroad vehicle that—

(A) can operate on either liquid combustible fuel or electric power provided by an onboard battery; and

(B) utilizes regenerative power capture technology to recover energy expended in braking the vehicle for use in recharging the battery.

(8) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a hybrid electric vehicle that can operate solely on electric power for a minimum of 20 miles under city driving conditions, and that is capable of recharging its battery from an offboard electricity source.

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

(b) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on technologies needed for the development of plug-in hybrid electric vehicles, including—

(1) high capacity, high efficiency batteries, to—

(A) improve battery life, energy storage capacity, and power delivery capacity, and lower cost; and

(B) minimize waste and hazardous material production in the entire value chain, including after the end of the useful life of the batteries;

(2) high efficiency onboard and offboard charging components;

(3) high power drive train systems for passenger and commercial vehicles and for supporting equipment;

(4) onboard energy management systems, power trains, and systems integration for plug-in hybrid electric vehicles, flexible fuel plug-in hybrid electric vehicles, and hybrid electric vehicles, including efficient cooling systems and systems that minimize the emissions profile of such vehicles; and

(5) lightweight materials, including research, development, demonstration, and commercial application to reduce the cost of materials such as steel alloys and carbon fibers.

(c) PLUG-IN HYBRID ELECTRIC VEHICLE DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant pilot demonstration program to provide not more than 25 grants annually to State governments, local governments, metropolitan transportation authorities, or combinations thereof to carry out a project or projects for demonstration of plug-in hybrid electric vehicles.

(2) APPLICATIONS.—

(A) REQUIREMENTS.—The Secretary shall issue requirements for applying for grants under the demonstration pilot program. The Secretary shall require that applications, at a minimum, include a description of how data will be—

(i) collected on the—

(I) performance of the vehicle or vehicles and the components, including the battery, energy management, and charging systems, under various driving speeds, trip ranges, traffic, and other driving conditions;

(II) costs of the vehicle or vehicles, including acquisition, operating, and maintenance costs, and how the project or projects will be self-sustaining after Federal assistance is completed; and

(III) emissions of the vehicle or vehicles, including greenhouse gases, and the amount of petroleum displaced as a result of the project or projects; and

(ii) summarized for dissemination to the Department, other grantees, and the public.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project or projects under the pilot program in partnership with one or more private entities.

(3) SELECTION CRITERIA.—

(A) PREFERENCE.—When making awards under this subsection, the Secretary shall consider each applicant's previous experience involving plug-in hybrid electric vehicles and shall give preference to proposals that—

(i) provide the greatest demonstration per award dollar, with preference increasing as the number of miles that a plug-in hybrid electric vehicle can operate solely on electric power under city driving conditions increases; and

(ii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project or projects and the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subsection is completed.

(B) BREADTH OF DEMONSTRATIONS.—In awarding grants under this subsection, the Secretary shall ensure the program will demonstrate plug-in hybrid electric vehicles under various circumstances, including—

(i) driving speeds;

(ii) trip ranges;

(iii) driving conditions;

(iv) climate conditions; and

(v) topography,

to optimize understanding and function of plug-in hybrid electric vehicles.

(4) PILOT PROJECT REQUIREMENTS.—

(A) SUBSEQUENT FUNDING.—An applicant that has received a grant in one year may apply for additional funds in subsequent years, but the Secretary shall not provide more than $10,000,000 in Federal assistance under the pilot program to any applicant for the period encompassing fiscal years 2008 through fiscal year 2012.

(B) INFORMATION.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are shared among the pilot program participants and are available to other interested parties, including other applicants.

(5) AWARD AMOUNTS.—The Secretary shall determine grant amounts, but the maximum size of grants shall decline as the cost of producing plug-in hybrid electric vehicles declines or the cost of converting a hybrid electric vehicle to a plug-in hybrid electric vehicle declines.

(d) COST SHARING.—The Secretary shall carry out the program under this section in compliance with section 988(a) through (d) and section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352(a) through (d) and 16353).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for carrying out subsection (b), $250,000,000 for each of fiscal years 2008 through 2012, of which up to $50,000,000 may be used for the program described in paragraph (5) of that subsection; and

(2) for carrying out subsection (c), $50,000,000 for each of fiscal years 2008 through 2012.

Subtitle H—H-PRIZE

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the ''H-Prize Act of 2007''.

SEC. 2702. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING ENTITY.—The term ''administering entity'' means the entity with which the Secretary enters into an agreement under section 2703(c).

(2) DEPARTMENT.—The term ''Department'' means the Department of Energy.

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

SEC. 2703. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes in conformity with this subtitle to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to the provisions of this subtitle. The duties of the administering entity under the agreement shall include—

(1) advertising prize competitions and their results;

(2) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this section;

(3) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions, based on goals provided by the Secretary;

(4) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded, subject to the final approval of the Secretary with respect to Federal funding;

(5) providing advice and consultation to the Secretary on the selection of judges in accordance with section 2704(d), using criteria developed in consultation with and subject to the final approval of the Secretary; and

(6) protecting against the entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subtitle may be withheld from public disclosure.

(d) FUNDING SOURCES.—Prizes under this subtitle shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subsection (c)(2)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

(e) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subsection (b)(2) if—

(1) notice of the increase is provided in the same manner as the initial notice of the prize; and

(2) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

(f) SUNSET.—The authority to announce prize competitions under this subtitle shall terminate on September 30, 2018.

SEC. 2704. PRIZE CATEGORIES.

(a) CATEGORIES.—The Secretary shall establish prizes for—

(1) advancements in technologies, components, or systems related to—

(A) hydrogen production;

(B) hydrogen storage;

(C) hydrogen distribution; and

(D) hydrogen utilization;

(2) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

(3) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

(b) AWARDS.—

(1) ADVANCEMENTS.—To the extent permitted under section 2703(e), the prizes authorized under subsection (a)(1) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subparagraphs (A) through (D) of subsection (a)(1) since the submission deadline of the previous prize competition in the same category under subsection (a)(1) or the date of enactment of this Act, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subsection (a)(1), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

(2) PROTOTYPES.—To the extent permitted under section 2703(e), prizes authorized under subsection (a)(2) shall be awarded biennially in alternate years from the prizes authorized under subsection (a)(1). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subsection (c) for a competition under this paragraph, the Secretary shall not award a prize.

(3) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under section 2703(e), the Secretary shall announce one prize competition authorized under subsection (a)(3) as soon after the date of enactment of this Act as is practicable. A prize offered under this paragraph shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by section 2703(b)(2). The Secretary shall award a prize under this paragraph only when a registered participant has met the objective criteria established for the prize pursuant to subsection (c) and announced pursuant to section 2703(b)(2). Not more than $10,000,000 in Federal funds may be used for the prize award under this paragraph. The administering entity shall seek to raise $40,000,000 toward the matching award under this paragraph.

(c) CRITERIA.—In establishing the criteria required by this subtitle, the Secretary—

(1) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

(2) shall consult with other Federal agencies, including the National Science Foundation; and

(3) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

(d) JUDGES.—For each prize competition, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subsection (c). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

(1) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

(2) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

SEC. 2705. ELIGIBILITY.

To be eligible to win a prize under this subtitle, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under section 2703(b)(2);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(3) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

SEC. 2706. INTELLECTUAL PROPERTY.

The Federal Government shall not, by virtue of offering or awarding a prize under this subtitle, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subtitle. This section shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subtitle.

SEC. 2707. LIABILITY.

(a) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants'

participation in a competition under this subtitle. The Secretary shall give notice of any waiver required under this subsection in the notice required by section 2703(b)(2). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

(b) LIABILITY INSURANCE.—

(1) REQUIREMENTS.—Registered participants shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subtitle; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(2) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under paragraph (1)(A), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities.

SEC. 2708. REPORT TO CONGRESS.

Not later than 60 days after the awarding of the first prize under this subtitle, and annually thereafter, the Secretary shall transmit to the Congress a report that—

(1) identifies each award recipient;

(2) describes the technologies developed by each award recipient; and

(3) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subtitle.

SEC. 2709. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subtitle—

(A) $20,000,000 for awards described in section 2704(a)(1);

(B) $20,000,000 for awards described in section 2704(a)(2); and

(C) $10,000,000 for the award described in section 2704(a)(3).

(2) ADMINISTRATION.—In addition to the amounts authorized in paragraph (1), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subtitle.

(b) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subtitle shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subtitle permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

SEC. 2710. NONSUBSTITUTION.

The programs created under this subtitle shall not be considered a substitute for Federal research and development programs.

Subtitle I—Coal Gasification for Ethanol Production

SEC. 2801. SHORT TITLE.

This subtitle may be cited as the ''America's Domestic Fuels Act''.

SEC. 2802. FINDINGS.

The Congress finds the following:

(1) Currently, the bulk of energy used in the production of ethanol comes from natural gas. While coal is used for this purpose, advanced coal gasification technologies would increase the use of coal and reduce air emissions.

(2) In coal gasification-based systems, pollutant-forming impurities can be separated from the gaseous stream before combustion. As much as 99 percent of sulfur and other pollutants can be removed and processed into commercial products. Ethanol plants using coal gasification technology offer many benefits.

(3) Coal potentially is an economically desirable alternative to natural gas as the fuel in ethanol production facilities. The Energy Information Administration projects that in 2025 the industrial cost of natural gas will be $5.99 per million Btu but coal will only be $1.86 per million Btu.

(4) Coal is our most price-consistent fossil fuel. Natural gas is our most price-volatile and unpredictable fuel. In 2005 alone, natural gas ranged from $5.75 to over $15.00 per million Btu. Coal therefore has the potential to allow ethanol plants to better manage their costs.

(5) Coal is a domestic fuel with substantial reserves and growing production. The United States has a vast supply of domestic coal resources to meet soaring energy needs.

(6) Utilizing coal as a major fuel source for ethanol production could eliminate the need to import natural gas for the process.

(7) Using domestic coal to produce ethanol has the potential to create jobs, spur new businesses, and generate tax revenues for local communities.

(8) The United States has ambitious plans to rapidly grow ethanol production, but the scale of this growth will depend upon the availability of an economical fuel source. Events over the past few years have demonstrated that we do not want to be overly dependent on any one fuel source. Thus, dependency on natural gas for ethanol production is undesirable. Diversifying the fuel source used for ethanol production by increasing the number of ethanol plants that are coal fueled reduces risk.

SEC. 2803. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) GRANT PROGRAM.—The Secretary of Energy shall provide grants to States for the conduct of the research needed to expedite the use of coal gasification as an energy source in ethanol production. Such research assistance shall be provided—

(1) to develop the knowledge base that will be needed to expediently permit coal gasification fueled ethanol plants;

(2) to aid ethanol producers in the evaluation and inclusion of coal gasification technologies in existing or new ethanol plants;

(3) to understand how to reduce the capital costs of coal gasification as an energy source in ethanol production, including making use of byproducts from agricultural practice, and biomass material or blends, in the processing of ethanol; and

(4) to understand the applicability of carbon dioxide capture and sequestration technologies, including adsorption and absorption techniques and chemical processes, to coal gasification as an energy source in ethanol production.

(b) DEMONSTRATION PROJECT.—At least 1 pilot project receiving assistance under this section shall be fueled by coal gasification and located in an area with high sulfur bituminous coal reserves.

(c) RESEARCH AND DEVELOPMENT AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out research and development activities under this section $5,000,000 for fiscal year 2008.

(d) DEMONSTRATION PROJECT AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out demonstration activities under this section $20,000,000 for fiscal year 2008.

TITLE III—TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Federal-Aid Highways

SEC. 3001. ELIGIBILITY FOR CONGESTION RELIEF PROJECTS.

Section 149(b) of title 23, United States Code, is amended in the matter following paragraph (7) by inserting after ''travel times'' the following: ''or the Secretary determines that the project is likely to contribute to reductions in fuel consumption or the attainment of a national ambient air quality standard''.

SEC. 3002. REPEAL.

Section 1948 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is repealed.

Subtitle B—Other Matters

SEC. 3011. IMPROVING HYDROPOWER CAPABILITIES.

(a) STUDY.—The Secretary of the Army shall conduct a study on the potential for reduced fossil fuel consumption through an increase in hydropower capabilities of the Corps of Engineers.

(b) CONTENTS.—The study shall include the following:

(1) An inventory of all lands, properties, and projects under the jurisdiction of the Corps of Engineers that have the potential of increasing hydroelectric or other alternative power generation capability, including the ecological impacts of increasing such capability.

(2) A description of the potential effects of removing Federal hydroelectric power facilities under the jurisdiction of the Corps of Engineers, including—

(A) the impacts on domestic energy costs to consumers;

(B) the need to import more energy to compensate for lost production from such hydroelectric power facilities;

(C) the types of fossil-fuel based or other energy sources that are likely to be utilized to compensate for the lost energy associated with the removal of hydroelectric power facilities; and

(D) any impacts on existing or future agricultural production of biofuels or other alternative energy sources as a result of the loss of water to the Nation's agricultural sector.

(3) A description of the potential effects of constructing additional Federal hydroelectric power facilities under the jurisdiction of the Corps of Engineers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under this section.

SEC. 3012. PERMIT STREAMLINING FOR HAZARDOUS LIQUID AND BIOFUEL PIPELINES.

(a) CHIEF ENVIRONMENTAL PERMIT OFFICER.—Section 60133(e) of title 49, United States Code, is amended to read as follows:

''(e) CHIEF ENVIRONMENTAL PERMIT OFFICER.—The Secretary shall designate a chief environmental permit officer to assist resolving disagreements between Federal, State, and local agencies and pipeline operators arising during agency review of pipeline repairs and hazardous liquid and biofuel pipeline construction projects in order to expedite pipeline projects, consistent with protection of human health, public safety, and the environment.''.

(b) STATE AND LOCAL PERMITTING PROCESSES.—Section 60133(f) of such title is

amended by striking the first sentence and inserting the following: ''The Secretary shall encourage States and local governments to consolidate their respective permitting processes for pipeline repair and hazardous liquid and biofuel pipeline construction projects subject to any time periods for repairs specified by rule by the Secretary.''.

(c) CONSTRUCTION AND EXPANSION OF PIPELINES.—Section 60133 of such title is further amended by adding at the end the following new subsection:

''(g) CONSTRUCTION AND EXPANSION OF PIPELINES.—Upon request by any person proposing to construct or expand a hazardous liquid pipeline, including pipelines to transport biofuels such as ethanol, the Secretary may coordinate the environmental reviews and permitting processes of the agencies having responsibility for issuing permits or otherwise authorizing pipeline construction projects if the Secretary determines that coordinating the permitting processes to expedite the completion of the project would be in the national interest.''.

(d) PIPELINE REPAIRS.—Section 60133 of such title (as amended by this subsection (c) of this section) is further amended by adding at the end the following:

''(h) PRESUMPTIVE EXCLUSIONS.—

''(1) NEPA REVIEW.—With respect to any activity described in paragraph (3), including an activity on non-Federal land, if the Federal agency having responsibility for conducting environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) determines that—

''(A) the proposed activity is substantially similar to a pipeline repair activity for which the Interagency Committee has developed or adopted best practices under subsection (a)(3) for determining and reducing or eliminating the potential for significant impacts to the human environment under such Act,

''(B) the proposed activity is consistent with these best practices, and

''(C) in the absence of extraordinary circumstances, the proposed activity is not likely to individually or cumulatively result in significant impacts on the human environment,

then a Federal agency having responsibility for conducting environmental reviews under such Act or coordinating the permitting process, in consultation with the Council on Environmental Quality, may adopt categorical exclusions for those activities. Actions by those agencies regarding pipeline repair permits shall be subject to a rebuttable presumption that the use of a categorical exclusion will apply.

''(2) ESA REVIEW.—With respect to any activity described in paragraph (3), including an activity on non-Federal land, if the Secretary of Interior or the Secretary of Commerce—

''(A) determines that the proposed activity is substantially similar to a pipeline repair activity for which the Interagency Committee has developed or adopted best practices under subsection (a)(3) for determining and reducing or eliminating impacts to listed species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),

''(B) concludes that if these best practices are followed, the activity is not likely to jeopardize the continued existence of any listed species or adversely modify the habitat of such species, and

''(C) concludes that the repair activity would not conflict with any existing biological opinion or any agreement made under such Act relating to the geographic area where the proposed activity will occur,

then action by the Secretary of the Interior or the Secretary of Commerce regarding pipeline repair permits shall be subject to a rebuttable presumption that the biological assessment and consultation requirements of such Act have been satisfied.

''(3) ACTIVITIES DESCRIBED.—The activities referred to in paragraphs (1) and (2) are the following:

''(A) Site repairs required to ensure the integrity of an existing pipeline facility performed entirely within an existing right-of-way corridor that do not change the physical character of the facility and where the facility was constructed in accordance with the environmental reviews and authorizations, if any, required by Federal law.

''(B) Functional replacement of pipeline equipment performed entirely within an existing right-of-way corridor that does not change the physical character of the facility and where the facility was constructed in accordance with the environmental reviews and authorizations, if any, required by Federal law.''.

SEC. 3013. REDUCTION IN THE EMISSION OF GASES THAT MAY CAUSE CLIMATE CHANGE.

(a) ENVIRONMENTAL REVIEW CRITERIA.—Section 6(a) of the Deepwater Port Act (33 U.S.C. 1505(a)) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) in the case of a deepwater port at which natural gas will be delivered, the effect of the additional natural gas supply provided by that port on reducing the emission of gases that contribute to climate change; and''.

(b) PORTS DEEMED IN NATIONAL INTEREST.—The Deepwater Port Act (33 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''SEC. 25. PORTS DEEMED IN NATIONAL INTEREST.

''A deepwater port at which natural gas will be delivered is deemed to be in the national interest for purposes of section 4(c)(3) if the natural gas will be used in areas where its use will reduce the emissions of gases that contribute to climate change.''.

TITLE IV—AMERICAN-MADE ENERGY AND GOOD JOBS ACT

SEC. 4001. SHORT TITLE.

This title may be cited as the ''American-Made Energy and Good Jobs Act''.

SEC. 4002. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 4003. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the

Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 4004. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 4005. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4004 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 4006. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 4003(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 4007. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 4003, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish

and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 4008. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 4009. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this title—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 4012(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 4010. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 4003(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 4011. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 4012. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this title, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including fire-fighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the north slope borough, in the city of kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SEC. 4013. OIL AND GAS LEASING 100 MILES OR MORE FROM THE COASTLINE.

(a) LEASING AND PRELEASING ACTIVITIES.—The Secretary of the Interior may conduct oil and gas leasing and preleasing activities for the area of the outer Continental Shelf 100 miles or more seaward from the coastline.

(b) REVOCATION OF WITHDRAWALS.—All withdrawals of submerged lands of the outer Continental Shelf from leasing for oil and gas by the President under the authority of section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) are hereby revoked and no longer in effect with respect to the leasing of areas 100 miles or more seaward from the coastline.

(c) DEFINITIONS.—For purposes of this section and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) the following definitions shall apply:

(1) The term ''miles'' means statute miles.

(2) The term ''coastline'' has the same meaning as the term ''coast line'' as defined in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c).

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, if I wanted to be cute, I would ask that the motion to recommit be read, which I did a couple of weeks ago on the SCHIP bill, because it's 340 pages long, but due to time constraints, I appreciate the unanimous consent request that we consider it as read.

Mr. DINGELL. Reserving the right to object, you know, I enjoyed the reading of this so much the first time that I think I'd like to hear it again.

Mr. BARTON of Texas. Okay. Hey, if you've got the time, I've got the bill.

Mr. DINGELL. But out of special affection for my dear friend from Texas, I will not ask that it be read.

Mr. BARTON of Texas. I appreciate the gentleman from Michigan.

This is a real energy bill. There's no gimmicks in it. I'm going to try to explain as quickly as I can what's in it so that everybody knows what you're voting on. But it does have ANWR in it, and I know that's controversial. It has OCS drilling for natural gas outside of 100 miles. It has a coal-to-liquids title in it. It has an alternative fuel section in it. It has an L&G terminal siting provision in it. It has a hydrogen research provision in it. It has a hydrogen prize in it. It would have been the substitute had a substitute been made in order, but obviously, as we know now, a substitute was not made in order.

So, for Members on both sides of the aisle that want to vote for an energy bill that actually has energy in it, this is your chance on the motion to recommit.

It is forthwith. So it would immediately be in play and in this body and could be voted on for final passage.

So I strongly urge the passage of the motion to recommit.

□ 1700

I yield to Mr. PETERSON of Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Speaker, Americans are concerned, and they should be. We had $79 oil this week, $7 natural gas, the highest prices in the world, especially for natural gas. Oil prices are predicted to go to $100 this year with what's going on in the world.

America needs to use its resources. Canada, Great Britain, Norway, Sweden, Holland, Belgium, Ireland, New Zealand and Australia use their resources on the Outer Continental Shelf. This bill opens it up from 100 on out. It's the safest place, the least imprint. It's the safest place to produce energy in the world.

Everybody in the country laughs at us when I talk to them about why we don't produce there. If we want to have a petrochemical business left in America, a polymer, plastics, fertilizer, steel, aluminum, bricks and glass, if we want jobs for our working people, we need affordable oil. We need affordable natural gas.

We have to stop being 2 percent more dependent every year. Every year we're gaining 2 percent in dependence on foreign oil. This has to stop.

We need to open up the Outer Continental Shelf.

Mr. BARTON of Texas. I yield to the gentleman from Florida.

Mr. MILLER of Florida. I thank the chairman for yielding some time just to ask very quickly for your assurance that there is nothing in this recommittal that affects the statutory change that we made last year that sets the military mission line in the eastern Gulf of Mexico.

Mr. BARTON of Texas. That is correct.

In the brief time I have, I want to make one correction. I said the OCS provision was for natural gas drilling outside of 100 miles. I have been informed it would also include oil. Again, in the interest of informed consent, it would allow drilling for both natural gas and oil outside the 100-mile limit.

This is the real energy security bill. It's the energy bill that actually has a supply package in it. We're consuming more energy. I know we need to conserve. The current bill before us does have some conservation measures that are worthy of support. This also has a supply package that's worthy of support.

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

Mr. HOYER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, I know how concerned you all have been that you haven't gotten sufficient time to consider legislation that's put before you. We have had this for 6 or 7 minutes, and, of course, we have read it page to page. Reading it page to page, we have concluded that we ought not to support it.

Mr. BARTON of Texas. Would the majority leader yield?

Mr. HOYER. Very briefly.

Mr. BARTON of Texas. We presented this to the Rules Committee as a substitute.

Mr. HOYER. I understand that. But I just got it, and we just got it on the desk as to what you were going to add.

Ladies and gentlemen of the House, the distinguished ranking member has outlined what's in this bill. It is emblematic of the problem we have seen

for 12 years where we have ignored conservation, where we have ignored alternative energy sources, where we have ignored reaching out with the understanding that petroleum is going to run out from wherever we seek it and that we therefore need to move in a new direction and adopt a new policy and to adopt a policy on the future, not on the present, adopt a policy that looks to our children and grandchildren's future as well as the future of ourselves.

Ladies and gentlemen, this motion puts together a complete substitute with three key differences from our bill. It includes refinery streamlining, provisions that were rejected, rejected in the 2005 Energy Conference Committee, rejected. We were not in charge. That's in this bill. These provisions override environmental law, reduce public participation, and do so for no real benefit.

The provisions in the 2005 law have never been used, and the provisions in this substitute is a solution in search of a problem. The substitute also includes Arctic refuge drilling, as the gentleman has made clear.

We repeatedly rejected that proposition. It could have been offered in a separate amendment. It was not, but it's not hidden in this bill, and we ought to know that. It does not produce oil for more than a decade, while conservation has immediate opportunities.

Finally, the substitute also includes alternative fuel standards; H.R. 3221 does not. We decided to let the committee of jurisdiction work that matter. It is in the Senate bill. I have said repeatedly over the months that standard will be in a bill that we send to the President of the United States.

But the Energy Committee is going to be working on that, the Senate has worked on that, and we will work our will.

Ladies and gentlemen, this is an extraordinary bill. We said when we ran for office that we would provide a new direction for energy independence for America, for security reasons, for security reasons, for economic reasons, and for environmental reasons. We are meeting our promise today.

Reject this substitute, which you have not possibly had the time to read, and enact one of the most far-reaching, new-direction, future-oriented energy bills that this House will have ever passed. Reject the substitute. Vote for this bill. Let us move so the American public can have confidence in a better America.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 244, not voting 20, as follows:

[Roll No. 831]

AYES—169

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Issa
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Klein (FL)
Kucinich
LaHood
Lantos
Paul
Saxton
Skelton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1724

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 172, not voting 20, as follows:

[Roll No. 832]

AYES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer

Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Knollenberg
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—172

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Issa
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—20

Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Klein (FL)
Kucinich
LaHood
Lantos
Paul
Saxton
Skelton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1740

Mr. PORTER changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 623

Whereas clause one of House rule XXIII (Code of Official Conduct) states, ''A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House,'';

Whereas the House Ethics Manual states that, ''The public has a right to expect Members, officers and employees to exercise impartial judgment in performing their duties'' and ''this Committee has cautioned all Members 'to avoid situations in which even an inference might be drawn suggesting improper action' '';

Whereas clause eight of House rule XVII states, ''The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to the technical, grammatical, and typographical corrections authorized by the Member, Delegate, or Resident Commissioner making the remarks'';

Whereas during proceedings of the House on August 3, 2007, the gentleman from Ohio, Mr. Boehner, the Republican Leader, offered a privileged resolution, H. Res. 612;

Whereas after the clerk completed reading the resolution, the gentlewoman from California, Ms. Tauscher, who was in the chair, recognized the gentleman from Maryland, stating, ''For what purpose does the gentleman from Maryland rise?'';

Whereas the gentleman from Maryland, Mr. Hoyer, the Majority Leader, then proceeded to debate Representative Boehner's motion, stating, ''Madam Speaker, enough is enough'' ;

Whereas in response to the chair's query, ''Does the gentleman have an amendment?'' Majority Leader Hoyer stated, ''I move to table the resolution'';

Whereas the chair then recognized the Republican Leader who raised a point of order that the chair failed to acknowledge, which the chair declined to entertain;

Whereas as the chair was putting the question to the House, Republican Leader Boehner stated, ''isn't it correct that the gentleman from Maryland engaged in debate, which allows the House to then proceed with up to one hour of debate on this resolution?'';

Whereas the chair stated, ''The chair did not yet rule that the question constitutes a question of privilege'';

Whereas a video recording produced by the Office of the Chief Administrative Officer confirms that the chair, in fact, never ruled on whether the resolution offered by the Republican Leader constituted a question of privilege;

Whereas the Speaker, as the presiding officer, has a duty to be a fair and impartial arbiter of the proceedings of the House, held to the highest ethical standards in deciding the various questions as they arise with impartiality and courtesy toward all Members, regardless of party affiliation;

Whereas the Republican Leader, and any other Member of the House raising a point of order, is entitled to state a point of order and to receive a ruling on it from the chair;

Whereas statements made on the floor of the House during the aforementioned proceedings of August 3, 2007 do not appear in the Congressional Record for that day, and the same Congressional Record reports as having been spoken statements that were not made;

Whereas the House adopted H. Res. 611, establishing a Select Committee to investigate voting irregularities occurring in the House on August 2, 2007; and

Whereas H. Res. 612 was offered in response to the events stemming from the incident of August 2, 2007: Now, therefore, be it

Resolved, That—

(1) the Select Committee to Investigate the Voting Irregularities of August 2, 2007 is directed to investigate and include in the initial report its findings and resulting recommendations concerning the actions of the gentlewoman from California (Ms. Tauscher) while presiding over the House on August 3, 2007 at the time the Republican Leader offered H. Res. 612 and the actions which led to the differences between the statements in the Congressional Record and those actually spoken on that day; and,

(2) the Congressional Record for the legislative day of August 3, 2007 be corrected to reflect verbatim the words actually spoken during consideration of H. Res. 612.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. CLYBURN

Mr. CLYBURN. Mr. Speaker, I move that the resolution be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 182, not voting 34, as follows:

[Roll No. 833]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—34

Carson
Clarke
Clay
Coble
Costello
Crenshaw
Davis, Jo Ann
Delahunt
Feeney
Fortenberry
Gingrey
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Jones (NC)
Kilpatrick
Klein (FL)
Kucinich
LaHood
Lantos
Lipinski
Paul
Payne
Peterson (MN)
Saxton
Sensenbrenner
Sessions
Skelton
Tancredo
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1802

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FEENEY. Mr. Speaker, I would ask on the last vote, myself from Florida, the gentleman from Illinois, and the gentleman from Georgia be permitted to cast their vote.

The gentleman from Georgia, Mr. GINGREY would vote ''no.'' I would vote ''no.'' The gentleman from Illinois, Mr. LIPINSKI, would vote ''aye.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 40

Mrs. MALONEY of New York. Mr. Speaker, Mr. JOE DONNELLY was mistakenly listed as a cosponsor of H.J. Res. 40, and I would like to remove him as a cosponsor of H.J. Res. 40.

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

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1246

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1246, a bill originally introduced by Representative MARTY MEEHAN of Massachusetts, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3221, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 615, I call up the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2776

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Energy and Energy Conservation Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act 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.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PRODUCTION INCENTIVES

Sec. 101. Extension and modification of renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Extension and modification of energy credit.
Sec. 104. New clean renewable energy bonds.
Sec. 105. Extension and modification of special rule to implement FERC and State electric restructuring policy.
Sec. 106. Repeal of dollar limitation and allowance against alternative minimum tax for residential solar and fuel cell property credit.

TITLE II—CONSERVATION

Subtitle A—Transportation

Sec. 201. Credit for plug-in hybrid vehicles.
Sec. 202. Extension and modification of alternative fuel vehicle refueling property credit.
Sec. 203. Extension and modification of credits for biodiesel and renewable diesel.
Sec. 204. Credit for production of cellulosic alcohol.
Sec. 205. Extension of transportation fringe benefit to bicycle commuters.
Sec. 206. Modification of limitation on automobile depreciation.
Sec. 207. Restructuring of New York Liberty Zone tax credits.

Subtitle B—Other Conservation Provisions

Sec. 211. Qualified energy conservation bonds.
Sec. 212. Qualified residential energy efficiency assistance bonds.
Sec. 213. Extension of energy efficient commercial buildings deduction.
Sec. 214. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 215. Five-year applicable recovery period for depreciation of qualified energy management devices.

TITLE III—REVENUE PROVISIONS

Subtitle A—Denial of Oil and Gas Tax Benefits

Sec. 301. Denial of deduction for income attributable to domestic production of oil, natural gas, or primary products thereof.
Sec. 302. 7-year amortization of geological and geophysical expenditures for certain major integrated oil companies.
Sec. 303. Clarification of determination of foreign oil and gas extraction income.

Subtitle B—Clarification of Eligibility for Certain Fuel Credits

Sec. 311. Clarification of eligibility for renewable diesel credit.
Sec. 312. Clarification that credits for fuel are designed to provide an incentive for United States production.

TITLE IV—OTHER PROVISIONS

Subtitle A—Studies

Sec. 401. Carbon audit of the tax code.
Sec. 402. Comprehensive study of biofuels.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

Sec. 411. Application of certain labor standards on projects financed under tax credit bonds.

TITLE I—PRODUCTION INCENTIVES

SEC. 101. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2013'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2008, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the credit determined under subsection (a) (determined without regard to this paragraph) with respect to such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the credit determined under subsection (a) (determined without regard to this paragraph) with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING PERCENTAGES.—The percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month preceding the month for which the percentage is being prescribed, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph, the term 'eligible basis' means, with respect to any facility, the basis of such facility determined as of the time that such facility is originally placed in service.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(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 an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and

hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2013.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by this Act, is amended by striking ''January 1, 2013'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) CLERICAL AMENDMENTS.—Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) INCREASE IN LIMITATION; PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. New clean renewable energy bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), and (5).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A)

by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under clause (iii), and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 60 percent thereof may be allocated to qualified projects of public power providers, and

''(B) not more than 40 percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under subparagraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraph (2)(B) among qualified projects of cooperative electric companies in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(4) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(5) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 105. EXTENSION AND MODIFICATION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) (relating to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy) is amended by striking

''before January 1, 2008,'' and inserting ''before January 1, 2010, by a qualified electric utility,''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means—

''(A) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)), and

''(B) any person in the same holding company system (as defined in section 1262(9) of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451(9)) as an electric utility referred to subparagraph (A).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. REPEAL OF DOLLAR LIMITATION AND ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX FOR RESIDENTIAL SOLAR AND FUEL CELL PROPERTY CREDIT.

(a) REPEAL OF MAXIMUM DOLLAR LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 25D (relating to limitations) is amended to read as follows:

''(b) CERTIFICATION OF SOLAR WATER HEATING PROPERTY.—No credit shall be allowed under this section for an item of property described in subsection (d)(1) unless such property is certified for performance by the nonprofit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25D is amended by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively.

(B) Paragraph (1) of section 25C(e) is amended by striking ''(8), and (9)'' and inserting ''and (8) (and paragraph (4) as in effect before its repeal by the Renewable Energy and Energy Conservation Tax Act of 2007)''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenditures made after the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

(B) APPLICATION OF EGTRRA SUNSET.—The amendments made by subsection (b)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

TITLE II—CONSERVATION

Subtitle A—Transportation

SEC. 201. CREDIT FOR PLUG-IN HYBRID VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. PLUG-IN HYBRID VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified plug-in hybrid vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any qualified plug-in hybrid vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

''(3) BATTERY CAPACITY.—In the case of vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) QUALIFIED PLUG-IN HYBRID VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in hybrid vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity, and

''(G) which either—

''(i) is also propelled to a significant extent by other than an electric motor, or

''(ii) has a significant onboard source of electricity which also recharges the battery referred to in subparagraph (F).

''(2) EXCEPTION.—The term 'qualified plug-in hybrid vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF QUALIFIED PLUG-IN HYBRID VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a qualified plug-in hybrid vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified plug-in hybrid vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) PLUG-IN VEHICLES NOT TREATED AS NEW QUALIFIED HYBRID VEHICLES.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the portion of the plug-in hybrid vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by this Act, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. Plug-in hybrid vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2006.

(g) APPLICATION OF EGTRRA SUNSET.—The amendments made by subsection (d)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 202. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C (relating to alternative fuel vehicle refueling property credit) is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'', and

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) (relating to termination) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 203. EXTENSION AND MODIFICATION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''using a thermal depolymerization process'', and

(2) by striking ''or D396'' in subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

(2) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—The amendments made by subsection (b) shall apply to fuel produced, and sold or used, after the date which is 30 days after the date of the enactment of this Act.

SEC. 204. CREDIT FOR PRODUCTION OF CELLULOSIC ALCOHOL.

(a) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(5) CELLULOSIC ALCOHOL FUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic alcohol fuel producer credit of any cellulosic alcohol fuel producer for any taxable year is 50 cents for each gallon of qualified cellulosic fuel production of such producer.

''(B) QUALIFIED CELLULOSIC FUEL PRODUCTION.—For purposes of this paragraph, the term 'qualified cellulosic fuel production' means any cellulosic alcohol which is produced by a cellulosic alcohol fuel producer, and which during the taxable year—

''(i) is sold by such producer to another person—

''(I) for use by such other person in the production of a qualified mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

''(ii) is used or sold by such producer for any purpose described in clause (i).

''(C) CELLULOSIC ALCOHOL.—For purposes of this paragraph, the term 'cellulosic alcohol' means any alcohol which—

''(i) is produced in the United States for use as a fuel in the United States, and

''(ii) is derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

For purposes of this subparagraph, the term 'United States' includes any possession of the United States.

''(D) CELLULOSIC ALCOHOL FUEL PRODUCER.—For purposes of this paragraph, the term 'cellulosic alcohol fuel producer' means any person who produces cellulosic alcohol in a trade or business and is registered with the Secretary as a cellulosic alcohol fuel producer.

''(E) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic fuel production of any producer for any taxable year shall not include any alcohol which is purchased by the producer and with respect to which such producer increases the proof of the alcohol by additional distillation.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 40 is amended by striking ''plus'' at the end of paragraph (1), by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) in the case of a cellulosic alcohol fuel producer, the cellulosic alcohol fuel producer credit.''.

(2) Clause (ii) of section 40(d)(3)(C) is amended by striking ''subsection (b)(4)(B)'' and inserting ''paragraph (4)(B) or (5)(B) of subsection (b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to alcohol produced after December 31, 2007.

SEC. 205. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) of such Code is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) of such Code (relating to definitions) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

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

SEC. 206. MODIFICATION OF LIMITATION ON AUTOMOBILE DEPRECIATION.

(a) IN GENERAL.—Paragraph (5) of section 280F(d) of the Internal Revenue Code of 1986 (defining passenger automobile) is amended to read as follows:

''(5) PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'passenger automobile' means any 4-wheeled vehicle—

''(i) which is primarily designed or which can be used to carry passengers over public streets, roads, or highways (except any vehicle operated exclusively on a rail or rails), and

''(ii) which is rated at not more than 14,000 pounds gross vehicle weight.

''(B) EXCEPTIONS.—The term 'passenger automobile' shall not include—

''(i) any exempt-design vehicle, and

''(ii) any exempt-use vehicle.

''(C) EXEMPT-DESIGN VEHICLE.—The term 'exempt-design vehicle' means—

''(i) any vehicle which, by reason of its nature or design, is not likely to be used more than a de minimis amount for personal purposes, and

''(ii) any vehicle—

''(I) which is designed to have a seating capacity of more than 9 persons behind the driver's seat,

''(II) which is equipped with a cargo area of at least 5 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment, or

''(III) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.

''(D) EXEMPT-USE VEHICLE.—The term 'exempt-use vehicle' means—

''(i) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business,

''(ii) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire, and

''(iii) any truck or van if substantially all of the use of such vehicle by the taxpayer is directly in—

''(I) a farming business (within the meaning of section 263A(e)(4)),

''(II) the transportation of a substantial amount of equipment, supplies, or inventory, or

''(III) the moving or delivery of property which requires substantial cargo capacity.

''(E) RECAPTURE.—In the case of any vehicle which is not a passenger automobile by reason of being an exempt-use vehicle, if such vehicle ceases to be an exempt-use vehicle in any taxable year after the taxable year in which such vehicle is placed in service, a rule similar to the rule of subsection (b) shall apply.''.

(b) CONFORMING AMENDMENT.—Section 179(b) of such Code (relating to limitations) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 207. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $169,000,000, plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2008.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Clause (v) of section 1400K(b)(2)(A), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Energy Conservation Tax Act of 2007 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Other Conservation Provisions

SEC. 211. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,600,000,000.

''(d) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (c) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(e) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs, or

''(iii) rural development involving the production of electricity from renewable energy resources.

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste into methane to be used in producing fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(f) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(g) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (d) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 104, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a new clean renewable energy bond, or

''(B) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), and (5).''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 104, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

''(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified energy conservation bonds.''.

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

SEC. 212. QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 (as amended by this Act) is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE BONDS.

''(a) QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE BOND.—For purposes of this subchapter, the term 'qualified residential energy efficiency assistance bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for 1 or

more qualified residential energy efficiency assistance purposes,

''(2) not less than 20 percent of the available project proceeds of such issue are to be used for 1 or more qualified low-income residential energy efficiency assistance purposes,

''(3) repayments of principal and applicable interest on financing provided by the issue are used not later than the close of the 3-month period beginning on the date the prepayment (or complete repayment) is received to redeem bonds which are part of the issue or to provide for 1 or more qualified residential energy efficiency assistance purposes,

''(4) the bond is issued by a State, and

''(5) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under subsection (d) to such issuer.

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $2,400,000,000.

''(d) LIMITATION ALLOCATED AMONG STATES.—The limitation under subsection (c) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(e) QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified residential energy efficiency assistance purpose' means any grant or low-interest loan to acquire (including reasonable installation costs)—

''(A) any property which meets (at a minimum) the requirements of the Energy Star program and which is to be installed in a dwelling unit,

''(B) any property which uses wind, solar, or geothermal energy or qualified fuel cell property (as defined in section 48(c)(1)) to generate electricity, or to heat or cool water, for use in a dwelling unit (other than property described in section 25D(e)(3)), and

''(C) any improvements to a dwelling unit which are made pursuant to a plan certified by an energy efficiency expert that such improvement will yield at least a 20 percent reduction in total household energy consumption related to heating, cooling, lighting, and appliances.

''(2) DOLLAR LIMITATIONS.—

''(A) IN GENERAL.—Such term shall not include any grant or loan for improvements described in paragraph (1)(C) with respect to any dwelling unit to the extent that such grant or loan (when added to all other grants or loans for such improvements) exceeds $5,000.

''(B) INCREASED LIMITATION FOR CERTAIN PRINCIPAL RESIDENCES.—In the case of a dwelling unit which is used as a principal residence (within the meaning of section 121) by the recipient of the grant or loan referred to in subparagraph (A)—

''(i) subparagraph (A) shall be applied by substituting '$12,000' for '$5,000' if such grant or loan would satisfy the requirements of paragraph (1)(A) if such paragraph were applied by substituting '50 percent' for '20 percent', and

''(ii) in any case to which clause (i) does not apply, subparagraph (A) shall be applied by substituting '$8,000' for '$5,000' if such grant or loan would satisfy the requirements of paragraph (1)(A) if such paragraph were applied by substituting '35 percent' for '20 percent'.

''(3) LOW-INTEREST LOAN.—The term 'low interest loan' means any loan which charges interest at a rate which does not exceed the applicable Federal rate in effect under section 1288(b)(1) determined as of the issuance of the loan.

''(f) QUALIFIED LOW-INCOME RESIDENTIAL EFFICIENCY ASSISTANCE PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified low-income residential energy efficiency assistance purpose' means any qualified residential energy efficiency assistance purpose with respect to a dwelling unit which is occupied (at the time of the grant or loan) by individuals whose income is 50 percent or less of area median gross income. Rules similar to the rules of section 142(d)(2)(B) shall apply for purposes of this paragraph.

''(2) RESTRICTION TO GRANTS.—Such term shall not include any loan.

''(g) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE INTEREST.—The term 'applicable interest' means, with respect to any loan, so much of any interest on such loan which exceeds 1 percentage point.

''(2) SPECIAL RULE RELATING TO ARBITRAGE.—An issue shall not be treated as failing to meet the requirements of section 54A(d)(4)(A) by reason of any investment of available project proceeds in 1 or more qualified residential energy efficiency assistance purposes.

''(3) POPULATION.—The population of any State or local government shall be determined as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(4) REPORTING.—

''(A) REPORTS BY ISSUERS.—Issuers of qualified residential energy efficiency assistance bonds shall, not later than 6 months after the expenditure period (as defined in section 54A) and annually thereafter until the last such bond is redeemed, submit reports to the Secretary regarding such bonds, including information regarding—

''(i) the number and monetary value of loans and grants provided and the purposes for which provided,

''(ii) the number of dwelling units the energy efficiency of which improved as result of such loans and grants,

''(iii) the types of property described in subsection (e)(1)(A) installed as a result of such loans and grants and the projected energy savings with respect to such property,

''(iv) the types of property described in subsection (e)(1)(B) installed as a result of such loans and grants and the projected production of such property, and

''(v) the projected energy savings as a result of such loans and grants for improvements described in subsection (e)(1)(C).

''(B) REPORT TO CONGRESS.—Not later than 12 months after receipt of the first report under subparagraph (A) and annually thereafter until the last such report is required to be submitted, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit a report to Congress regarding the bond program under this section, including information regarding—

''(i) the aggregate of each category of information described in subparagraph (A) (including any independent assessment of projected energy savings), and

''(ii) an estimate of the amount of greenhouse gas emissions reduced as a result of such bond program.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 104 and amended by section 211, is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified residential energy efficiency assistance bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 104 and amended by section 211, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified residential energy efficiency assistance bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified residential energy efficiency assistance bonds.''.

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

SEC. 213. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 214. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009 or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009 or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009 or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.

''(4) DEHUMIDIFIERS.—The applicable amount is—

''(A) $15 in the case of a dehumidifier manufactured in calendar year 2008 that has a capacity less than or equal to 45 pints per day and is 7.5 percent more efficient than the applicable Department of Energy energy conservation standard effective October 2012, and

''(B) $25 in the case of a dehumidifier manufactured in calendar year 2008 that has a capacity greater than 45 pints per day and is 7.5 percent more efficient than the applicable Department of Energy energy conservation standard effective October 2012.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2),

''(3) refrigerators described in subsection (b)(3), and

''(4) dehumidifiers described in subsection (b)(4).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2),

''(C) any refrigerator described in subsection (b)(3), and

''(D) any dehumidifier described in subsection (b)(4).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term ''top-loading clothes washer'' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) DEHUMIDIFIER.—Subsection (f) of section 45M, as amended by paragraph (3), is amended by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8) and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) DEHUMIDIFIER.—The term 'dehumidifier' means a self-contained, electrically operated, and mechanically refrigerated encased assembly consisting of—

''(A) a refrigerated surface that condenses moisture from the atmosphere,

''(B) a refrigerating system, including an electric motor,

''(C) an air-circulating fan, and

''(D) means for collecting or disposing of condensate.''.

(5) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(7), as amended by paragraph (4), is amended to read as follows:

''(7) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(6) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions) is amended by adding at the end the following:

''(10) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(11) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 215. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(B) (relating to 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is installed on real property of a customer of the taxpayer and is placed in service by a taxpayer who—

''(i) is a supplier of electric energy or a provider of electric energy services, and

''(ii) provides all commercial and residential customers of such supplier or provider with net metering upon the request of such customer.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.

''(C) NET METERING.—For purposes of subparagraph (A), the term 'net metering' means allowing customers a credit for providing electricity to the supplier or provider.''.

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

TITLE III—REVENUE PROVISIONS

Subtitle A—Denial of Oil and Gas Tax Benefits

SEC. 301. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) the sale, exchange, or other disposition of oil, natural gas, or any primary product thereof.''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) CONFORMING AMENDMENTS.—Section 199(c)(4) is amended—

(1) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(2) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

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

SEC. 302. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking ''5-year'' and inserting ''7-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 303. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) is amended by redesignating subparagraph (B) as subparagraph (C), by striking ''or'' at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

''(B) so much of any transportation of such minerals as occurs before the fair market value event, or''.

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

''(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

''(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

''(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

''(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

''(A) the term 'oil and gas extraction taxes' shall include such tax,

''(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

''(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting ''or used by the taxpayer in the activity described in subparagraph (B)'' before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

''(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

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

Subtitle B—Clarification of Eligibility for Certain Fuel Credits

SEC. 311. CLARIFICATION OF ELIGIBILITY FOR RENEWABLE DIESEL CREDIT.

(a) COPRODUCTION WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(b) CLARIFICATION OF ELIGIBILITY FOR ALTERNATIVE FUEL CREDIT.—

(1) IN GENERAL.—Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(2) CONFORMING AMENDMENT.—Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after June 30, 2007.

(2) CLARIFICATION OF ELIGIBILITY FOR ALTERNATIVE FUEL CREDIT.—The amendment made by subsection (b) shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 312. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) BIODIESEL FUELS CREDIT.—Paragraph (5) of section 40A(d), as added by subsection (c), is amended to read as follows:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel unless—

''(A) such biodiesel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the location of such production.

For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(h), as added by subsection (c), is amended to read as follows:

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel unless—

''(A) such biodiesel or alternative fuel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of such biodiesel or alternative fuel which identifies the product produced and the location of such production.''.

(c) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(1) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States''.

(2) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States''.

(3) EXCISE TAX CREDIT.—

(A) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(h) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(B) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(h).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

(2) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (c) shall take effect as if included in section 301 of the American Jobs Creation Act of 2004.

(B) ALTERNATIVE FUEL CREDITS.—So much of the amendments made by subsection (c) as relate to the alternative fuel credit or the alternative fuel mixture credit shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(C) RENEWABLE DIESEL.—So much of the amendments made by subsection (c) as relate to renewable diesel shall take effect as if included in section 1346 of the Energy Policy Act of 2005.

TITLE IV—OTHER PROVISIONS

Subtitle A—Studies

SEC. 401. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

SEC. 402. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable on United States farmland,

(3) the domestic effects of a dramatic increase in biofuels production, for example—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops,

(G) exports and imports of grains,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation, and

(6) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The National Academy of Sciences shall submit an initial report of the findings of the report required under subsection (a) to the Congress not later than 3 months after the date of the enactment of this Act, and a final report not later than 6 months after such date of enactment.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

SEC. 411. APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.

Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

The SPEAKER pro tempore (Mr. WEINER). Pursuant to House Resolution 615, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2776

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Energy and Energy Conservation Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act 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.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PRODUCTION INCENTIVES

Sec. 101. Extension and modification of renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Extension and modification of energy credit.
Sec. 104. New clean renewable energy bonds.
Sec. 105. Extension and modification of special rule to implement FERC and State electric restructuring policy.
Sec. 106. Repeal of dollar limitation and allowance against alternative minimum tax for residential solar and fuel cell property credit.

TITLE II—CONSERVATION

Subtitle A—Transportation

Sec. 201. Credit for plug-in hybrid vehicles.
Sec. 202. Extension and modification of alternative fuel vehicle refueling property credit.
Sec. 203. Extension and modification of credits for biodiesel and renewable diesel.
Sec. 204. Credit for production of cellulosic alcohol.
Sec. 205. Extension of transportation fringe benefit to bicycle commuters.
Sec. 206. Modification of limitation on automobile depreciation.
Sec. 207. Restructuring of New York Liberty Zone tax credits.

Subtitle B—Other Conservation Provisions

Sec. 211. Qualified energy conservation bonds.
Sec. 212. Qualified residential energy efficiency assistance bonds.
Sec. 213. Extension of energy efficient commercial buildings deduction.
Sec. 214. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 215. Five-year applicable recovery period for depreciation of qualified energy management devices.

TITLE III—REVENUE PROVISIONS

Subtitle A—Denial of Oil and Gas Tax Benefits

Sec. 301. Denial of deduction for income attributable to domestic production of oil, natural gas, or primary products thereof.
Sec. 302. 7-year amortization of geological and geophysical expenditures for certain major integrated oil companies.
Sec. 303. Clarification of determination of foreign oil and gas extraction income.

Subtitle B—Clarification of Eligibility for Certain Fuel Credits

Sec. 311. Clarification of eligibility for renewable diesel credit.
Sec. 312. Clarification that credits for fuel are designed to provide an incentive for United States production.

TITLE IV—OTHER PROVISIONS

Subtitle A—Studies

Sec. 401. Carbon audit of the tax code.
Sec. 402. Comprehensive study of biofuels.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

Sec. 411. Application of certain labor standards on projects financed under tax credit bonds.

TITLE I—PRODUCTION INCENTIVES

SEC. 101. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2013'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2008, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the credit determined under subsection (a) (determined without regard to this paragraph) with respect to such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the credit determined under subsection (a) (determined without regard to this paragraph) with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING PERCENTAGES.—The percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month preceding the month for which the percentage is being prescribed, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph, the term 'eligible basis' means, with respect to any facility, the basis of such facility determined as of the time that such facility is originally placed in service.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(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 an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2013.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by this Act, is amended by striking ''January 1, 2013'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) CLERICAL AMENDMENTS.—Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) INCREASE IN LIMITATION FOR FUEL CELL PROPERTY.—The amendment made by subsection (c) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsection (d) shall apply to periods after June 20, 2007, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. New clean renewable energy bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under clause (iii), and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 60 percent thereof may be allocated to qualified projects of public power providers, and

''(B) not more than 40 percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under subparagraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraph (2)(B) among qualified projects of cooperative electric companies in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(4) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(5) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 105. EXTENSION AND MODIFICATION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) (relating to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy) is amended by striking ''before January 1, 2008,'' and inserting ''before January 1, 2010, by a qualified electric utility,''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means—

''(A) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))), and

''(B) any person in the same holding company system (as defined in section 1262(9) of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451(9))) as an electric utility referred to subparagraph (A).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. REPEAL OF DOLLAR LIMITATION AND ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX FOR RESIDENTIAL SOLAR AND FUEL CELL PROPERTY CREDIT.

(a) REPEAL OF MAXIMUM DOLLAR LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 25D (relating to limitations) is amended to read as follows:

''(b) CERTIFICATION OF SOLAR WATER HEATING PROPERTY.—No credit shall be allowed under this section for an item of property described in subsection (d)(1) unless such property is certified for performance by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25D is amended by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively.

(B) Paragraph (1) of section 25C(e) is amended by striking ''(8), and (9)'' and inserting ''and (8) (and paragraph (4) as in effect before its repeal by the Renewable Energy and Energy Conservation Tax Act of 2007)''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenditures made after the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

(B) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (b)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

TITLE II—CONSERVATION

Subtitle A—Transportation

SEC. 201. CREDIT FOR PLUG-IN HYBRID VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. PLUG-IN HYBRID VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified plug-in hybrid vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any qualified plug-in hybrid vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

''(3) BATTERY CAPACITY.—In the case of vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) QUALIFIED PLUG-IN HYBRID VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in hybrid vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity, and

''(G) which either—

''(i) is also propelled to a significant extent by other than an electric motor, or

''(ii) has a significant onboard source of electricity which also recharges the battery referred to in subparagraph (F).

''(2) EXCEPTION.—The term 'qualified plug-in hybrid vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF QUALIFIED PLUG-IN HYBRID VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a qualified plug-in hybrid vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified plug-in hybrid vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) PLUG-IN VEHICLES NOT TREATED AS NEW QUALIFIED HYBRID VEHICLES.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

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

''(32) the portion of the plug-in hybrid vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by this Act, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. Plug-in hybrid vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2006.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 202. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C (relating to alternative fuel vehicle refueling property credit) is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'', and

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) (relating to termination) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 203. EXTENSION AND MODIFICATION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''using a thermal depolymerization process'', and

(2) by striking ''or D396'' in subparagraph (B) and inserting ''or other equivalent standard approved by the Secretary for fuels to be used in diesel-powered highway vehicles''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

(2) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—The amendments made by subsection (b) shall apply to fuel produced, and sold or used, after the date which is 30 days after the date of the enactment of this Act.

SEC. 204. CREDIT FOR PRODUCTION OF CELLULOSIC ALCOHOL.

(a) IN GENERAL.—Subsection (b) of section 40 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CELLULOSIC ALCOHOL FUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic alcohol fuel producer credit of any cellulosic alcohol fuel producer for any taxable year is 50 cents for each gallon of qualified cellulosic fuel production of such producer.

''(B) QUALIFIED CELLULOSIC FUEL PRODUCTION.—For purposes of this paragraph, the term 'qualified cellulosic fuel production' means any cellulosic alcohol which is produced by a cellulosic alcohol fuel producer, and which during the taxable year—

''(i) is sold by such producer to another person—

''(I) for use by such other person in the production of a qualified mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

''(ii) is used or sold by such producer for any purpose described in clause (i).

''(C) CELLULOSIC ALCOHOL.—For purposes of this paragraph, the term 'cellulosic alcohol' means any alcohol which—

''(i) is produced in the United States for use as a fuel in the United States, and

''(ii) is derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

For purposes of this subparagraph, the term 'United States' includes any possession of the United States.

''(D) CELLULOSIC ALCOHOL FUEL PRODUCER.—For purposes of this paragraph, the term 'cellulosic alcohol fuel producer' means any person who produces cellulosic alcohol in a trade or business and is registered with the Secretary as a cellulosic alcohol fuel producer.

''(E) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic fuel production of any producer for any taxable year shall not include any alcohol which is purchased by the producer and with respect to which such producer increases the proof of the alcohol by additional distillation.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 40 is amended by striking ''plus'' at the end of paragraph (1), by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) in the case of a cellulosic alcohol fuel producer, the cellulosic alcohol fuel producer credit.''.

(2) Clause (ii) of section 40(d)(3)(C) is amended by striking ''subsection (b)(4)(B)'' and inserting ''paragraph (4)(B) or (5)(B) of subsection (b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to alcohol produced after December 31, 2007.

SEC. 205. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) of such Code is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) of such Code (relating to definitions) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month

period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

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

SEC. 206. MODIFICATION OF LIMITATION ON AUTOMOBILE DEPRECIATION.

(a) IN GENERAL.—Paragraph (5) of section 280F(d) of the Internal Revenue Code of 1986 (defining passenger automobile) is amended to read as follows:

''(5) PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'passenger automobile' means any 4-wheeled vehicle—

''(i) which is primarily designed or which can be used to carry passengers over public streets, roads, or highways (except any vehicle operated exclusively on a rail or rails), and

''(ii) which is rated at not more than 14,000 pounds gross vehicle weight.

''(B) EXCEPTIONS.—The term 'passenger automobile' shall not include—

''(i) any exempt-design vehicle, and

''(ii) any exempt-use vehicle.

''(C) EXEMPT-DESIGN VEHICLE.—The term 'exempt-design vehicle' means—

''(i) any vehicle which, by reason of its nature or design, is not likely to be used more than a de minimis amount for personal purposes, and

''(ii) any vehicle—

''(I) which is designed to have a seating capacity of more than 9 persons behind the driver's seat,

''(II) which is equipped with a cargo area of at least 5 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment, or

''(III) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.

''(D) EXEMPT-USE VEHICLE.—The term 'exempt-use vehicle' means—

''(i) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business,

''(ii) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire, and

''(iii) any truck or van if substantially all of the use of such vehicle by the taxpayer is directly in—

''(I) a farming business (within the meaning of section 263A(e)(4)),

''(II) the transportation of a substantial amount of equipment, supplies, or inventory, or

''(III) the moving or delivery of property which requires substantial cargo capacity.

''(E) RECAPTURE.—In the case of any vehicle which is not a passenger automobile by reason of being an exempt-use vehicle, if such vehicle ceases to be an exempt-use vehicle in any taxable year after the taxable year in which such vehicle is placed in service, a rule similar to the rule of subsection (b) shall apply.''.

(b) CONFORMING AMENDMENT.—Section 179(b) of such Code (relating to limitations) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 207. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $169,000,000, plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2008.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Energy Conservation Tax Act of 2007 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Other Conservation Provisions

SEC. 211. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 104, is amended by adding at the end the following new section:

''SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,600,000,000.

''(d) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (c) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(e) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs, or

''(iii) rural development involving the production of electricity from renewable energy resources.

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(f) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(g) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (d) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 104, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a new clean renewable energy bond, or

''(B) a qualified energy conservation bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), and (5).''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 104, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

''(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified energy conservation bonds.''.

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

SEC. 212. QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 (as amended by this Act) is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE BONDS.

''(a) QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE BOND.—For purposes of this subchapter, the term 'qualified residential energy efficiency assistance bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for 1 or more qualified residential energy efficiency assistance purposes,

''(2) not less than 20 percent of the available project proceeds of such issue are to be used for 1 or more qualified low-income residential energy efficiency assistance purposes,

''(3) repayments of principal and applicable interest on financing provided by the issue are used not later than the close of the 3-month period beginning on the date the prepayment (or complete repayment) is received to redeem bonds which are part of the issue or to provide for 1 or

more qualified residential energy efficiency assistance purposes,

''(4) the bond is issued by a State, and

''(5) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under subsection (d) to such issuer.

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $2,400,000,000.

''(d) LIMITATION ALLOCATED AMONG STATES.—The limitation under subsection (c) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(e) QUALIFIED RESIDENTIAL ENERGY EFFICIENCY ASSISTANCE PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified residential energy efficiency assistance purpose' means any grant or low-interest loan to acquire (including reasonable installation costs)—

''(A) any property which meets (at a minimum) the requirements of the Energy Star program and which is to be installed in a dwelling unit,

''(B) any property which uses wind, solar, or geothermal energy or qualified fuel cell property (as defined in section 48(c)(1)) to generate electricity, or to heat or cool water, for use in a dwelling unit (other than property described in section 25D(e)(3)), and

''(C) any improvements to a dwelling unit which are made pursuant to a plan certified by an energy efficiency expert that such improvement will yield at least a 20 percent reduction in total household energy consumption related to heating, cooling, lighting, and appliances.

''(2) GEOTHERMAL HEAT PUMP.—Any geothermal heat pump to provide heating or cooling in a dwelling unit described in paragraph (1)(B) shall be treated as described in paragraph (1)(B).

''(3) DOLLAR LIMITATIONS.—

''(A) IN GENERAL.—Such term shall not include any grant or loan for improvements described in paragraph (1)(C) with respect to any dwelling unit to the extent that such grant or loan (when added to all other grants or loans for such improvements) exceeds $5,000.

''(B) INCREASED LIMITATION FOR CERTAIN PRINCIPAL RESIDENCES.—In the case of a dwelling unit which is used as a principal residence (within the meaning of section 121) by the recipient of the grant or loan referred to in subparagraph (A)—

''(i) subparagraph (A) shall be applied by substituting '$12,000' for '$5,000' if such grant or loan would satisfy the requirements of paragraph (1)(A) if such paragraph were applied by substituting '50 percent' for '20 percent', and

''(ii) in any case to which clause (i) does not apply, subparagraph (A) shall be applied by substituting '$8,000' for '$5,000' if such grant or loan would satisfy the requirements of paragraph (1)(A) if such paragraph were applied by substituting '35 percent' for '20 percent'.

''(4) LOW-INTEREST LOAN.—The term 'low interest loan' means any loan which charges interest at a rate which does not exceed the applicable Federal rate in effect under section 1288(b)(1) determined as of the issuance of the loan.

''(5) EXCLUSION OF CERTAIN PROPERTY.—The following property shall not be taken into account for purposes of paragraph (1)(A):

''(A) Any equipment used in connection with a swimming pool, hot tub, or similar property.

''(B) Any television.

''(C) Any device for converting digital signal to analog.

''(D) Any DVD player.

''(E) Any video cassette recorder (VCR).

''(F) Any audio equipment.

''(G) Any cordless phone.

''(H) Any other item of property where there is substantial recreational use.

''(f) QUALIFIED LOW-INCOME RESIDENTIAL EFFICIENCY ASSISTANCE PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified low-income residential energy efficiency assistance purpose' means any qualified residential energy efficiency assistance purpose with respect to a dwelling unit which is occupied (at the time of the grant or loan) by individuals whose income is 50 percent or less of area median gross income. Rules similar to the rules of section 142(d)(2)(B) shall apply for purposes of this paragraph.

''(2) RESTRICTION TO GRANTS.—Such term shall not include any loan.

''(g) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE INTEREST.—The term 'applicable interest' means, with respect to any loan, so much of any interest on such loan which exceeds 1 percentage point.

''(2) SPECIAL RULE RELATING TO ARBITRAGE.—An issue shall not be treated as failing to meet the requirements of section 54A(d)(4)(A) by reason of any investment of available project proceeds in 1 or more qualified residential energy efficiency assistance purposes.

''(3) POPULATION.—The population of any State or local government shall be determined as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(4) REPORTING.—

''(A) REPORTS BY ISSUERS.—Issuers of qualified residential energy efficiency assistance bonds shall, not later than 6 months after the expenditure period (as defined in section 54A) and annually thereafter until the last such bond is redeemed, submit reports to the Secretary regarding such bonds, including information regarding—

''(i) the number and monetary value of loans and grants provided and the purposes for which provided,

''(ii) the number of dwelling units the energy efficiency of which improved as result of such loans and grants,

''(iii) the types of property described in subsection (e)(1)(A) installed as a result of such loans and grants and the projected energy savings with respect to such property,

''(iv) the types of property described in subsection (e)(1)(B) installed as a result of such loans and grants and the projected production of such property, and

''(v) the projected energy savings as a result of such loans and grants for improvements described in subsection (e)(1)(C).

''(B) REPORT TO CONGRESS.—Not later than 12 months after receipt of the first report under subparagraph (A) and annually thereafter until the last such report is required to be submitted, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit a report to Congress regarding the bond program under this section, including information regarding—

''(i) the aggregate of each category of information described in subparagraph (A) (including any independent assessment of projected energy savings), and

''(ii) an estimate of the amount of greenhouse gas emissions reduced as a result of such bond program.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 104 and amended by section 211, is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified residential energy efficiency assistance bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 104 and amended by section 211, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified residential energy efficiency assistance bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified residential energy efficiency assistance bonds.''.

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

SEC. 213. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 214. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009 or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009 or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009 or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.

''(4) DEHUMIDIFIERS.—The applicable amount is—

''(A) $15 in the case of a dehumidifier manufactured in calendar year 2008 that has a capacity less than or equal to 45 pints per day and is 7.5 percent more efficient than the applicable Department of Energy energy conservation standard effective October 2012, and

''(B) $25 in the case of a dehumidifier manufactured in calendar year 2008 that has a capacity greater than 45 pints per day and is 7.5 percent more efficient than the applicable Department of Energy energy conservation standard effective October 2012.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2),

''(3) refrigerators described in subsection (b)(3), and

''(4) dehumidifiers described in subsection (b)(4).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2),

''(C) any refrigerator described in subsection (b)(3), and

''(D) any dehumidifier described in subsection (b)(4).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) DEHUMIDIFIER.—Subsection (f) of section 45M, as amended by paragraph (3), is amended by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8) and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) DEHUMIDIFIER.—The term 'dehumidifier' means a self-contained, electrically operated, and mechanically refrigerated encased assembly consisting of—

''(A) a refrigerated surface that condenses moisture from the atmosphere,

''(B) a refrigerating system, including an electric motor,

''(C) an air-circulating fan, and

''(D) means for collecting or disposing of condensate.''.

(5) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(7), as amended by paragraph (4), is amended to read as follows:

''(7) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(6) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions) is amended by adding at the end the following:

''(10) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(11) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 215. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(B) (relating to 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is installed on real property of a customer of the taxpayer and is placed in service by a taxpayer who—

''(i) is a supplier of electric energy or a provider of electric energy services, and

''(ii) provides all commercial and residential customers of such supplier or provider with net metering upon the request of such customer.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.

''(C) NET METERING.—For purposes of subparagraph (A), the term 'net metering' means allowing customers a credit for providing electricity to the supplier or provider.''.

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

TITLE III—REVENUE PROVISIONS

Subtitle A—Denial of Oil and Gas Tax Benefits

SEC. 301. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) the sale, exchange, or other disposition of oil, natural gas, or any primary product thereof.''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) CONFORMING AMENDMENTS.—Section 199(c)(4) is amended—

(1) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(2) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

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

SEC. 302. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking ''5-year'' and inserting ''7-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 303. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) is amended by redesignating subparagraph (B) as subparagraph (C), by striking ''or'' at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

''(B) so much of any transportation of such minerals as occurs before the fair market value event, or''.

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

''(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

''(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

''(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

''(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

''(A) the term 'oil and gas extraction taxes' shall include such tax,

''(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

''(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting ''or used by the taxpayer in the activity described in subparagraph (B)'' before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

''(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

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

Subtitle B—Clarification of Eligibility for Certain Fuel Credits

SEC. 311. CLARIFICATION OF ELIGIBILITY FOR RENEWABLE DIESEL CREDIT.

(a) COPRODUCTION WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(b) CLARIFICATION OF ELIGIBILITY FOR ALTERNATIVE FUEL CREDIT.—

(1) IN GENERAL.—Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(2) CONFORMING AMENDMENT.—Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after June 30, 2007.

(2) CLARIFICATION OF ELIGIBILITY FOR ALTERNATIVE FUEL CREDIT.—The amendment made by subsection (b) shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 312. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) BIODIESEL FUELS CREDIT.—Paragraph (5) of section 40A(d), as added by subsection (c), is amended to read as follows:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel unless—

''(A) such biodiesel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the location of such production.

For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(i), as added by subsection (c), is amended to read as follows:

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel unless—

''(A) such biodiesel or alternative fuel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of such biodiesel or alternative fuel which identifies the product produced and the location of such production.''.

(c) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(1) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(2) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(3) EXCISE TAX CREDIT.—

(A) IN GENERAL.—Section 6426, as amended by section 311, is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(B) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

(2) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (c) shall take effect as if included in section 301 of the American Jobs Creation Act of 2004.

(B) ALTERNATIVE FUEL CREDITS.—So much of the amendments made by subsection (c) as relate to the alternative fuel credit or the alternative fuel mixture credit shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(C) RENEWABLE DIESEL.—So much of the amendments made by subsection (c) as relate to renewable diesel shall take effect as if included in section 1346 of the Energy Policy Act of 2005.

TITLE IV—OTHER PROVISIONS

Subtitle A—Studies

SEC. 401. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

SEC. 402. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable on United States farmland,

(3) the domestic effects of a dramatic increase in biofuels production on, for example—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops,

(G) exports and imports of grains,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation, and

(6) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The National Academy of Sciences shall submit an initial report of the findings of the report required under subsection (a) to the Congress not later than 3 months after the date of the enactment of this Act, and a final report not later than 6 months after such date of enactment.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

SEC. 411. APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.

Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Speaker, I rise in strong support of 2776, the Renewable Energy and Energy Efficient Tax Act.

Our committee has provided long-term incentives for electricity for renewable sources, production from wind, solar, biomass, geothermal, river currents, ocean tides, landfill gas and tracks combustion resources. And at the same time, we were able to provide incentives for States to provide bonds and grants in order to make certain that working families would be able to purchase energy-efficient heat pumps, home improvement appliances, solar, and a variety of other things.

And in order to pay for this, at the recommendation of the Internal Revenue Service, we were able to raise the funds to close the loopholes to make certain that at the end of the day the bill is revenue-neutral.

Mr. Speaker, I ask unanimous consent at this time that the remainder of my time I be able to yield to Mr. MCDERMOTT on the committee, who has provided a lot of work on this subject and which we're so proud to present to this House and ultimately to the American people.

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

There was no objection.

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

I rise today, Mr. Speaker, in strong opposition to H.R. 2776.

It seems that many of my colleagues in the majority have developed a sort of schizophrenia when it comes to energy. Throughout last year, they held press conference after press conference saying that the Republicans weren't doing enough to lower the price of gasoline at the pump; yet, since the new Democratic majority was elected, the price of gasoline has jumped an average of nearly $1 a gallon across the country. Now that my colleagues have brought to the floor a bill which they call ''energy legislation,'' which includes substantial tax increases on the oil and gas industry, surely they don't believe this will do anything to bring down gasoline prices.

The majority will claim that this legislation is basically the same as H.R. 6, an energy tax increase bill passed by this House in January. That is not the case. This bill contains double the tax increase that that legislation did. This bill has over $15 billion worth of tax increases. Now, some of that is because the Joint Tax Committee reestimated the impact of one of the provisions in H.R. 6, but other provisions are new, including a massive tax increase on United States companies producing energy abroad.

And while overseas production of oil and gas might seem like a tempting target for a tax hike, the Statement of Administration Policy has rightly warned that this provision will ''disadvantage United States-based companies by reducing their ability to compete for investments and foreign energy-related projects.''

At a time when worldwide energy demand is increasing, it defies logic why we would unilaterally raise taxes on American companies competing in an international market for future exploration and production deals. What logical reason could there be for using the tax code to help ensure more of the world's oil production is done by non-United States companies? And in addition to raising taxes by more than $15 billion on energy production, the majority has made, in my view, some poor decisions when they decided how to spend the tax increase. Their bill, for example, would allow several Republican-created incentives promoting conservation to expire, including incentives for individuals to buy hybrid cars, to install solar power and solar water heaters, and to make energy-efficiency upgrades to their homes.

Even worse, the bill before us would also authorize up to $6 billion in tax credit bonds for so-called ''green energy products.'' At our markup, we in the minority offered a variety of amendments to try to define or limit the allowable uses of these bond proceeds, and those amendments were repeatedly rejected by the majority.

During the debate today, we will hear about some of the possible uses of these bonds and our concern that they will amount to little more than green pork doled out to Governors, State legislatures, mayors and city councils to fund all manner of boondoggles and white elephants. The majority could have avoided this debate by accepting language requiring that these products reduce energy consumption or greenhouse gas emissions, but they didn't.

In closing, Mr. Speaker, three facts about this legislation should be painfully obvious.

Number one, you don't lower prices at the pump by raising taxes on the companies that find, refine and transport gasoline.

Number two, you don't increase America's energy independence by raising taxes on our domestic energy industry, making American energy even more expensive compared with foreign sources.

And three, you certainly don't improve anything by shoveling money at Governors and big-city mayors with a vague mandate and zero oversight.

I urge my colleagues to reject this bill.

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

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H.R. 2776.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I want to begin by acknowledging and thanking Mr. RANGEL for his leadership in providing the energy legislation which is before us today and to applaud Speaker PELOSI for setting the agenda at the beginning of this session that will change this country's energy.

We live in a Nation addicted to oil, and we simply can't afford it anymore. It's too expensive for the American pocketbook; it's too adverse for American security, and too perilous for the Earth's atmosphere. But the key to any and every part of the energy solution lies here in the Congress in its political will to change what we can change for the good of the American people and the Earth.

Our energy legislation is bigger and bolder than a barrel of oil. It's a balance of support for alternative energy production and conservation. Every American has a stake and an ability to make a change, and our energy legislation unleashes America's ability to create, innovate and seek out and do that which has not been done. This is America's declaration of energy independence, and the first campaign plans to win what must be won. Our grandchildren, our children, our constituents, our country deserves no less. To those who say we cannot rise to meet the future and that we must embrace the past, I say America's boundless optimism has plenty of room to grow and shine. When it comes to energy policy, we have not risen to the occasion or to America's potential. That changes today with this legislation. It deserves bipartisan support.

And I would point out that the rhetoric we're going to hear from the other side is basically, we have to protect the oil companies; we can't touch their profits. Now, at a time when Americans are paying record prices at the pump and oil is at $70 a barrel, we have to change the status quo, and we're going to do it. It doesn't affect oil produced in this country, and it will be better for us in the long run.

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

Mr. MCCRERY. Mr. Speaker, I ask unanimous consent to allow the gentleman from Pennsylvania (Mr. ENGLISH), the ranking member of the Select Revenue Measures Subcommittee, to control the balance of the time.

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

There was no objection.

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

Mr. Speaker, I rise tonight to lament a lost opportunity. Mr. Speaker, our friends on the other side of the aisle had promised to produce an energy tax bill that would promote America's energy independence. They had a real opening to produce innovative policies, to incentivize new technologies and promote the diversification of our energy consumption. Instead, Mr. Speaker, the Democrats have presented the House with a placebo that will ultimately reduce domestic energy production, give American energy companies less of a reason to invest in exploration here at home, encourage greater dependence on foreign oil, and damage America's manufacturing base.

This bill is energy policy light and consists of a dog's breakfast of stale notions clearly intended to appeal to the blogosphere rather than to market forces.

□ 1815

The Democrats' solution to America's energy crisis is to single out oil and gas producers for a tax increase. That is a great sound bite. But the fact is, Mr. Speaker, this legislation is not likely to impact oil producers' profits in any way, shape or form. The one thing you can you can be sure this bill will do is raise prices at the pump for American consumers.

Furthermore, it creates disincentives that will decrease the supply of domestic natural gas and oil and increase our country's energy imports. While this legislation not only forces our country to become more dependent on foreign oil, it will also force America's working families to bear the brunt of increased energy costs. The more than $15 billion tax increase built into this bill will inevitably be borne entirely by consumers in the form of higher gasoline and home emergency prices.

This is vastly, in fact, about double, the tax increase contained in H.R. 6, a staggering sum that will stifle growth and hit working families' bottom line. The effect of high gas prices will ripple throughout the economy, increasing prices on everything from electronics to school supplies.

This legislation is also an assault against America's manufacturing base. Using nearly one-third of the Nation's energy both as fuel and feedstock, energy is the heart of American manufacturing. With such an energy-intensive sector, raising energy prices will make domestic manufacturers less competitive in the world market, forcing more of our good-paying manufacturing jobs offshore.

Mr. Speaker, we have long advocated for a comprehensive energy plan to reduce our dependence on foreign oil and increase America's access to clean, affordable and dependable energy for their cars, their homes and their businesses. Yet, here again, Mr. Speaker, this bill is moving in the wrong direction. It throws out our effective incentives for producing renewable energy and replaces them with retrograde policies.

In this bill, the Democrats have created a $6 billion slush fund for local projects in States and cities, with no safeguards to ensure that the money is actually used to improve America's energy independence or the environment. This is a blank check for so-called green pork projects all over the country that mayors and governors can dole out like candy on Halloween. But, Mr. Speaker, this is going to be no treat for the American taxpayer.

In addition, the wind credit, one of our most proven and effective sources of renewable energy, gets a substantial haircut in this bill and is effectively, under current conditions, gutted. This legislation is bad energy policy. It is bad tax policy.

Mr. Speaker, I would hope that our colleagues would join us today in standing up for American manufacturers, for American consumers, and stand up to preserve our domestic energy supply and guarantee our energy future by voting this bill down.

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

Mr. McDERMOTT. My prediction is correct. We are here to protect the oil companies, and we are glad to see that.

I will just take one of your arguments, the American Wind Association. You said, this is no use. They say ''strengthening our Nation's energy security, revitalizing world economies and addressing climate change are the central goals of the 110th Congress.'' Wind energy is a large part of the answer. They are in support of this bill.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the distinguished minority whip of the House (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, I think you will be able to characterize our remarks in one of two ways: One is that we are continuing to encourage domestic exploration; the other is we are trying to do things that reach energy independence.

Following up on the bill that moved us toward energy independence that was passed in 2005 would have been a good idea. The efforts to have an energy bill this year are a good idea. But this bill imposes taxes double that already passed in H.R. 6. This would hurt our investment in energy independence and domestic supply. I don't have very many people in my district at all or in our State that are in gas and oil production. Almost everybody in our State that buys anything is in gas and oil purchasing.

Things that raise gas prices, things that don't allow us to fully utilize our resources, things that continue to make us more and more dependent on parts of the world that don't like us can't be a good idea. There is nothing wrong with buying things from people who don't like you, but there is something really dumb about having to buy things from people who don't like you. We are still in that mode today. This bill heads us more in that direction.

The incentives for many conservation measures are allowed to expire in this bill. I see my good friend with a bicycle on his lapel. I note that there is a tax benefit to pay people to bicycle to work. He would argue, I suppose, that we don't have enough people in southwest Missouri that bicycle to work, because we have almost no people that bicycle to work. We have lots of people that drive 50 and 60 miles to get to good manufacturing jobs, and they are not going to ride a bicycle there. They don't need more expensive gasoline to get there.

Mr. Speaker, we need to move toward energy independence. This bill, regretfully, moves us toward energy dependence.

Mr. Speaker, I urge my colleagues to vote ''no.''

Mr. McDERMOTT. The gentleman from Missouri should stay and listen. The fact is that 36 of your Members voted for H.R. 6 because we were closing a loophole which was never designed for the oil companies. It was to deal with the World Trade Organization.

Mr. Speaker, the gentleman from Missouri says that we are taking money somehow and doing bad things with it. He forgets that this issue was to deal with FSC, and, lo and behold, the oil companies slipped in under the door. They were never eligible for FSC before, but the chairman of the Ways and Means Committee allowed them in in the last Congress. They have been taking their profits and just going hell-bent for leather.

We are taking it back from them. I am sure they are upset about it. But it is more important that we use that money for alternative energy, both in production of new energy sources and in conservation.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of our committee.

Mr. HERGER. Mr. Speaker, every time I visit with constituents, like most of you here in Congress, I hear about high gas prices. And they're right. Gas prices are too high. Prices in our free market are governed by supply and demand. RECORD high prices result from, among other things, the fact that we don't produce enough of our own supply domestically and are therefore at the mercy of unpredictable and often unstable foreign producers.

Thirty years ago, when we had our first oil crisis, we were dependent on

foreign sources of oil for only about one-third of our supplies. Today it is roughly two-thirds of our supply. A sure way to fix this situation is to encourage environmentally safe oil exploration and production here in the United States.

But this is the opposite of what today's legislation seeks. In fact, today's bill proposes to raise taxes on domestic oil and gas exploration by nearly $12 billion. This discourages investment in U.S. supplies and will, over time, increase our dependence even more on foreign sources of fossil fuels.

Mr. Speaker, I encourage my colleagues to vote against higher gas prices and against H.R. 2776, this ill-conceived energy legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

(Mr. FARR asked and was given permission to revise and extend his remarks.)

□ 1830

Mr. FARR. I thank the gentleman for yielding.

Mr. Speaker, I would like to rise after my colleague from California as a fellow Californian and tell him he is dead wrong. This is the best bill you could ever have for investment in California. We are booming with energy alternatives. And do you know what we have done? We have banned offshore oil. The public in California does that unanimously. We are not about oil in California; we are about investment in the future.

This bill allows the utility companies, which now every utility company in California gives a rebate. There are companies in California that are buying cars for their workers if they are hybrid cars. This allows the incentive to be increased, doubled, tripled.

This is about investment, and I just totally disagree with my colleague on the other side of the aisle. It is not about looking at the future through the rearview mirror; it is about investment. That is what this bill is all about. This is the best gift you could ever have in the tool box to help California grow economically.

I ask for an ''aye'' vote on this bill.

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

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to a distinguished member of our committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, this bill is a missed opportunity. In Michigan, where the average price of gas is 12 cents higher than the national average, energy prices are a sore subject. Gas prices are too high, the U.S. is too dependent on foreign oil, and yet the majority party refuses to allow expanding our domestic supply of energy sources.

This bill misses the mark. H.R. 2776 is certainly creative in how it spends taxpayer dollars. Under this legislation, $6 billion will be given away to States for just about any project that has the word ''energy'' in it.

Republicans in the Ways and Means Committee debated this new spending scheme at length during the bill's markup. During that debate, we found out that States could use taxpayer money to buy hybrid Lexuses for State employees, construct indoor rainforests, distribute complimentary copies of Al Gore's ''An Inconvenient Truth'' in every classroom, or hand out energy-efficient light bulbs.

In my view, the new tax credit bond programs this legislation creates will fail to do anything to secure our Nation's energy independence because there is no requirement that they reduce greenhouse gases or increase energy production.

The bill, however, does have a few bright spots. It includes measures I have supported on plug-in vehicles, solar energy and energy-efficient programs for appliances and homes. I believe these initiatives have the potential to have significant impact on energy conservation.

I am disappointed the underlying bill does nothing to promote hybrid and advanced-technology diesel vehicles. In 2005 the Energy Policy Act was enacted. It included legislation that provided tax credits to consumers for the purchase of a new hybrid and advanced-technology diesel vehicle. With this tax credit, Americans can knock hundreds or thousands of dollars off the sale price of a clean fuel car or truck. This bill does nothing to help consumers better afford hybrid or advanced technology diesel vehicles.

In closing, I urge my colleagues to reject this flawed bill.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, imagine Republicans today saying that they don't trust local government and local decision-making. As a former mayor, let me tell you, that is where much of the great creativity and innovation takes place, in America's cities and town halls.

There is an opportunity here to experiment. This is using a Republican argument. What might work well in Arizona might not work well in Connecticut, or vice versa. This is an opportunity to hear from the mayors of America, to hear from the town halls, to hear from legislative leaders and Governors. They are the people every day who make important decisions.

Are Republicans saying at this moment they have contempt or mistrust of local decision-making? That has been almost the phrase that they have adopted for the last 25 years: ''turn decision-making back to local government.'' There are different regional problems that demand different regional solutions, and this offers the opportunity.

Lastly, our friend, the gentleman from Pennsylvania, said it was good for the blogosphere. One thing we know about Republicans, if they thought they could drill for oil in the blogosphere, they would give it a go.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 15 seconds.

As a former city controller, I look to a future time when I can bring my friend from Massachusetts up to speed on why with good reason we think there needs to be aggressive auditing and oversight of local governments.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a member of our committee.

Mr. WELLER of Illinois. Mr. Speaker, I reluctantly rise in opposition to this legislation before us today. I generally enjoy working with Chairman RANGEL and my subcommittee chairman, Mr. McDERMOTT, and Mr. NEAL, people I enjoy working with. But it is hard to support policy that fails to include some good ideas. We should have a bipartisan bill before us today, and the issue is this bill fails to build on the successes of the 2005 energy bill.

The district that I represent south of Chicago, cities like Joliet, a lot of rural communities, bedroom communities, was a big winner in the 2005 energy bill. Thanks to the incentives for wind and biofuels, ethanol and biodiesel, we are seeing hundreds of millions of dollars of new investment in wind energy and biofuels in the district that I represent, thanks to the energy bill of 2005. I was hoping we would build on that. I was also hoping that this legislation would include good ideas about energy conservation.

We made one of the centerpieces of the 2005 energy bill incentives for homeowners to make their home more energy efficient. It said that about 20 percent of the energy we consume is consumed in our home, and we included a tax credit for homebuilders as well as homeowners to invest in better insulation and better windows and better roofs and better heating and cooling technology, and they could save on that investment and, in the long term, save on energy consumption.

It is estimated that today about 65 percent of U.S. homes are not insulated adequately, according to Harvard. That same study said if they were insulated properly, we would reduce the need to import 76 supertankers of crude oil from Saudi Arabia or Venezuela or some other foreign country. So energy efficiency is a key part of our strategy for energy independence. Also, because you are consuming less, you reduce climate change.

We should have extended the tax credit for existing homes. We should have extended the tax credit for new homes. Let's give tax incentives to those who want to bring energy efficiency to home.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

(Ms. SCHWARTZ asked and was given permission to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, I stand here today to be not only supportive, but enthusiastic about this legislation. It does very much what we have all been talking about really actually for hours today, about the fact that it embraces our ingenuity, our innovation and our deep interest in energy efficiency and conservation and in new technologies.

In fact, this legislation provides for tax credit bond financing, to make sure that our cities and our States can move forward in helping our people be able to do this. There are special provisions to make sure that people can make sure their homes or residences are more energy efficient. It uses tax credits to do that.

And there is a provision I have worked on particularly to make sure that our largest commercial buildings can be the most energy efficient that we know they can be. We know that giving them some tax incentives to make sure that our commercial buildings are as energy efficient will help us not only today, but for 50 and 75 years in the future.

So I support this legislation. I am proud of it. I think we have used our public dollars in a very creative and important way.

Mr. Speaker, I rise in support of the Renewable Energy and Energy Conservation Act.

This bill redirects $16 billion in oil industry tax giveaways into the development of renewable energy and energy conservation—setting a new direction for U.S. energy policy and putting the Nation on a path to energy independence.

This new direction provides tax incentives for alternative sources of energy—renewable, American-made sources, including wind, geothermal, solar, fuel cells, and bio-diesel;

This new direction invests seriously in energy conservation, providing tax incentives for energy efficient vehicles, energy efficient buildings and energy efficient appliances;

And, this new direction empowers local and State governments, through new tax credit bonds, to invest in local initiatives that reduce energy use such as public transit, green buildings, and renewable energy production;

We are serious about putting America's innovation and talents to work to develop and distribute new sources of American-made energy for American businesses and American families.

I am particularly proud that this bill contains a 5-year extension of the energy efficient commercial building tax deduction, which I proposed in my Buildings for the 21st Century Act.

The building industry can play an important role in enabling America to meet its future energy needs by being models of energy efficiency. Buildings account for 39 percent of total U.S. energy consumption and 71 percent of total U.S. electricity consumption.

We must take advantage of this moment to ensure that the next generation of buildings are constructed to the highest efficiency standards, and my proposal, contained in this legislation, which is supported by the American Institute of Architects, the U.S. Green Building Council, and the National Electrical Manufacturers Association, will ensure that happens.

I urge a yes vote because this legislation recognizes our ingenuity, innovation and technology as a Nation and moves the Nation forward towards energy efficiency, conservation, and energy independence.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 13¾ minutes, and the gentleman from Washington has 22½ minutes.

Mr. ENGLISH of Pennsylvania. Obviously I am going to reserve the balance of my time at this point.

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

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

Mr. McDERMOTT. Mr. Speaker, having the right to close, I will reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Can the gentleman enlighten us on how many speakers he has remaining, or is he prepared to close now?

Mr. McDERMOTT. At this moment, we haven't heard anything to respond to. All we have heard is a defense of the insurance companies.

The SPEAKER pro tempore. The gentleman from Washington will suspend.

The gentleman from Washington reserves.

The gentleman from Pennsylvania is recognized.

Mr. ENGLISH of Pennsylvania. Then I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Washington has the opportunity to close.

The gentleman from Pennsylvania is recognized.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, is he prepared to close then?

The SPEAKER pro tempore. The gentleman from Washington has reserved his time, as is his prerogative.

The gentleman from Pennsylvania is recognized.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, this bill and the bill that just passed before us is a fiscal Frankenstein. It is a typical pattern: more budget gimmicks on spending, more tax increases.

Last week, a farm bill passed. Budget gimmicks, tax increases. Earlier this week, the SCHIP bill passed. Budget gimmicks, tax increases. Today, right now, these energy bills are passing. What are they? Budget gimmicks, tax increases.

Right now, the bill that just passed before had $6 billion in savings that were used last week in last week's farm bill, all to give the appearance that the majority is keeping their word on their PAYGO.

More importantly, these bills, in addition to their budget gimmicks, raise taxes on consumers. This will cost our constituents at their pocketbooks and at the pump.

The worst part of this bill, I think, aside from the fact that it seeks to pick winners and losers in the marketplace, to do nothing, nothing, to reduce our dependence on foreign oil, to reduce our independence, it has $6 billion of walk-around money, of green pork, for large city mayors and Governors. No accountability. Just as long as it is in the spirit of green, in the spirit of, you know, energy, you get the money.

Every time we have ever built a new program before, as this one does, you have example after example of waste, fraud and abuse. It doesn't do a thing to help the environment, it doesn't do a thing to help our fiscal balance sheet, but it does everything to create a new program that wastes money, that requires higher taxes.

We are seeing a consistent pattern here: more spending gimmicks and more tax increases. These tax increases will raise prices. They will raise prices on energy. They will raise gas prices.

This is a missed opportunity, and the missed opportunity is we could have worked together to make ourselves less dependent on foreign oil, do a better job on energy conservation, and advance the cause for renewables.

Sadly, this does not do it, because it is more budget gimmicks and spending increases.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, while I agreed with my friend from Wisconsin about the farm bill, he could not be more wrong when it comes to what is happening here on this energy legislation.

First and foremost, it is not just the appearance of PAYGO. We are rolling up our sleeves and actually funding this legislation, instead of the borrow-and-spend policies that we have seen the other side of the aisle practice for the last 12 years. We have a bipartisan ''pay-for'' that was approved in the first hours of this session, closing an unnecessary loophole that was snuck in in the last session of Congress.

The notion about picking winners and losers is also wrong. With the leadership our Chair of the select committee, Mr. NEAL, we had extensive hearings to listen to what happened across-the-board in terms of alternative energy. We have rationalized how they are treated for subsidizing wind, for solar, for biomass, for wave energy, a whole range of alternative energy sources.

We are not picking winners and losers. We are extending tax subsidies, and we are treating them all fairly to let the marketplace act. We are increasing the supply of energy. By providing incentives for domestic production of alternatives it is going to make a huge difference. And we are relying on the energy and activity of cities and States across the country that are far ahead of the Federal Government when it comes to dealing with global warming, with dealing with energy efficiency. We have at least 612 cities that have already initiated their own Programs of Kyoto compliance. We are

providing some resources to help them do something about it.

Last, but not least, we are closing the egregious loophole that had the Federal Government subsidize the purchase of the largest, most energy-inefficient luxury cars. We have closed that hummer loophole. We are instead using this money to provide opportunities for using smaller, more fuel efficient vehicles; and we are subsidizing plug-in hybrids, a very good trade off.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2½ minutes to the gentleman from Texas (Mr. BRADY), a member of our committee.

Mr. BRADY of Texas. Mr. Speaker, this bill does do some good things, no question. It does focus on renewable energy, providing incentives for plug-in hybrid vehicles. It encourages energy-efficient homes and appliances in buildings. All of that is very good. We need to be more green as a country, and we need to have a balanced portfolio. Without question. But this is, I think, an extreme way, in some ways even a vindictive way, to achieve it.

In this bill, we create a tax on suburban moms for buying Explorers to take their children around town. We punish American companies for creating jobs here in America. We punish them for creating energy here in the United States.

There are 1.8 million jobs related to energy. What this bill does is encourage outsourcing. It actually decreases production in the U.S. of oil and gas and punishes companies for investing in the United States, a tax break that was not singled out for oil and gas. In fact, 73 Democrats on this floor supported the investment in new manufacturing and new investment in the United States.

This bill increases dependence on foreign oil; cripples America's fledgling biodiesel industry. It kills a major renewable diesel problem. There is no nuclear, no hydrogen, no new refineries, no transmission lines, no coal-to-liquid, no clean coal technology.

But it does have a study on the carbon footprint of the American Tax Code, which surely ranks just below suing OPEC as an effective way to lower prices.

Whether you call this a ''$6 a gallon gas'' bill, a ''hug Hugo Chavez'' gas bill, a ''less energy'' tax bill, the fact of the matter is we all want a new direction. But we want a new direction away from higher prices. We want a new direction away from dependence on foreign oil.

The truth is, we have to get serious about lessening our dependence on foreign oil. Light bulbs alone won't do it. New production of oil and gas, along with these new renewables, will.

Mr. MCDERMOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER) to answer the arguments presented.

Mr. BLUMENAUER. Mr. Speaker, my good friend from Texas doesn't understand, I fear, how the Hummer loophole works. It is not the suburban mom running around with their kids in a Hummer or a Cadillac Escalante. It only is for business use that the Hummer loophole applies.

We are closing it for business use, so there is not an extra incentive for somebody to buy the largest, most fuel inefficient vehicles, and gives them a tax break that they won't give to somebody who buys a Ford Taurus.

□ 1845

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, with the passage of the energy bill just approved and the passage of this energy bill today, we move America in a historic direction, a new direction on energy, not just away from our overdependence on fossil fuels, but away from our overdependence on fossilized ideas like those that have dominated this House for the last 12 years.

One of those fossilized ideas is that it is okay to keep borrowing from our grandchildren. So today the reason that we hear talk about higher taxes on a bill that is basically revenue neutral, that doesn't borrow from our grandchildren and doesn't raise significant new revenues, but rather restricts and evaluates our tax credits to determine how they can be most effective, is that they don't understand this new kind of thinking.

Just as they favored foreign corporations over farmers last week, today they favor fossilized energy over new energy and energy independence.

You know, going green is not just about securing a healthy planet to raise our children. It is creating opportunities for jobs and economic development in biodiesel and in renewable energy like solar and geothermal power. New technologies bring new opportunities. A new class of jobs are being created, neither blue collar nor white collar but green collar jobs of many types from green energy.

It is a matter of recognizing that some boondoggles come along, like where a oil company decides it will drop a little dab of grease in its petroleum byproducts in order to claim a renewable biodiesel tax credit and destroy a new emerging industry like our biodiesel companies and our biofuels companies that are helping us become energy independent.

So this is a bill about jobs and about evaluating the oversubsidization of a fossil fuel industry and moving to new energies, biodiesel, recognizing the power of solar power, plug-in hybrids, recognizing that we can become the leaders in the world in green jobs, green collar jobs. This bill offers us a chance to lead on green energy, not become green with envy as other countries leap over us.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, we are told this bill is fully paid for and is fiscally responsible. But how many times have we seen this same tax break on the floor supposedly paying for another bill? Is it the second time, third time? I don't mind double-counting, but there is something offensive about triple-counting. I think that is what got Enron in trouble in the first place.

Today we are using this as an excuse to raise taxes and cut jobs and cut energy production here. It is not fiscally responsible.

And by the way, the tax on SUVs is not Hummers. It is above $15,300, and that is a lot of Explorers and a lot of small business vehicles.

Mr. MCDERMOTT. Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY) for a unanimous consent request.

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of energy independence, national security and weaning ourselves off of Middle Eastern oil.

It is sheer madness that—6 years after 9/11—we still rely on unstable and dictatorial regimes like Saudi Arabia to feed our oil habit. They have shown time and time again that they care nothing for international peace, peace in the Middle East or helping us find a solution for the debacle in Iraq: We know they use our oil dollars to fund terrorist organizations like Hamas, and Sunni insurgents in Iraq. And yet we still send them billions of dollars a year in oil revenues, because we are so dependent on their oil to fuel our energy needs.

We are funding both sides of the war on terror. No country on Earth has ever successfully fought a war against itself. This bill is a step in the right direction by funding alternative, clean energies that will set America on the path to energy independence.

With Mr. RANGEL's leadership, my colleagues and I on the Ways and Means Committee have expanded and extended the tax credits for plug-in hybrid vehicles, cellulosic alcohol, ethanol and biodiesel.

This package also promotes alternative fuels by providing assistance for the installation and conversion of E–85 fuel pumps and the production of flex-fuel vehicles that run on renewable fuel. Another provision encourages the domestic development and production of advanced technology vehicles and the next generation of vehicle batteries and plug-in hybrid vehicles.

Our addiction to oil has gone on long enough. It is time we declare independence by harnessing the Sun, wind, geothermal, biomass and other clean renewable technology, so that future generations of Americans won't have to rely on our enemies to satisfy our energy needs.

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

I'm sorry, it seems like the gentleman from Texas has forgotten what happened in the early hours of this session. We passed H.R. 6; 36 of your Members voted for it, to close the tax, to

set the money aside to be put into this bill when we decided what were reasonable uses of that money. It has never been used before. This funding source has not been used ever on this floor before, so you are incorrect in your assertion.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to a member of our leadership, who is also a member of our committee, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I rise in opposition to this bill. Frankly, I think that the American people are looking for some common sense when we talk about an energy plan. I don't think there is any disagreement among my colleagues in this House that we certainly ought to be looking at ways to diversify our energy sources. There is no question.

But I think that the imperative, and that most Americans would agree, that we must first look to securing our energy independence. I would dare say there aren't many experts out there who would predict that we can establish our energy independence through the tax benefits allowed through this bill.

I think most Americans would agree we do have a fossil fuel economy. And given the instability around the globe today, it is imperative that we do all we can to support our domestic production industries so that we do not, do not find ourselves on the receiving end of the global pricing structure or from other countries that we rely on for our global energy supplies.

With that, I would posit, Mr. Speaker, that $14 billion in taxes on our production industry will do so much to damage the incentive to see an increase in domestic production, much less do anything to help our constituents and the people of this country when they go to the pump and see prices nearing $3 a gallon.

So I don't see the common sense in this bill. My colleagues have already talked about the $6 billion in taxpayer funds that are going to flow to localities unfettered. These are taxpayer dollars. These are not our dollars. This kind of allocation of funds deserves some transparency. This reminds me of some of the hidden funds that we see in many of the other bills, and that somehow this money is going to show up and add to our energy independence.

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

Mr. Speaker, the gentleman just made some arguments. He said the country is like a supertanker and we are heading for the rocks and we shouldn't change the direction. No, no, no, we should keep going right straight into the rocks.

Now if you want to criticize this bill for not doing enough, I will go along with you, and I think there are many other Members on our side. But our problem is we can't seem to get any help from the other side to turn the wheel even a half inch. They say oh, if you take money away from the oil industry; they don't want to pay for anything, Mr. Speaker. They simply want to run on the rocks and the Democrats are not going to run this country onto the rocks.

We are going to change the direction we are going with energy. This bill is not the answer to everything. It is not as much as it should be or could be, but we are going in the right direction.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 7 minutes remaining. The gentleman from Washington has 16½ minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, is it not generally the obligation of the Chair to invite the two sides to even up time to some extent?

The SPEAKER pro tempore. Does the gentleman from Washington seek recognition?

Does the gentleman from Pennsylvania seek recognition?

Mr. ENGLISH of Pennsylvania. I will defer to the gentleman.

Mr. McDERMOTT. Mr. Speaker, is closing the right of the majority?

The SPEAKER pro tempore. The gentleman is correct.

Mr. McDERMOTT. I reserve the balance of my time to close.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, do I understand the gentleman is now prepared to close?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania seek to yield time?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, is it our understanding that the gentleman is prepared to close?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Washington to ask a question?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would hope I wouldn't have to yield any time to determine this.

The SPEAKER pro tempore. The gentleman from Washington has the right to close.

Mr. ENGLISH of Pennsylvania. Is the gentleman prepared to close?

The SPEAKER pro tempore. It is the prerogative of the gentleman from Pennsylvania to yield time to the gentleman from Washington to inquire as to that.

Mr. ENGLISH of Pennsylvania. Very well. I will yield 5 seconds.

Mr. McDERMOTT. No, I'll take my own time. I'm prepared to close.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in that case, I would like to yield 3 minutes to one additional speaker, a gentleman who I think has proven himself in this particular policy area for many years, and I think a good Democrat, the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman. And if I had known we had so much time on our side, Jim, I would have asked you for time.

Mr. Speaker, I begin by stating how disappointed I am to come to the House floor today and speak against one of this Congress's first major energy initiatives. It pains me because I truly support the bill's goals of promoting clean, domestic, renewable energy.

What I disagree with is how this Congress chooses to pay for these worthy initiatives. I understand we have a budget deficit and funds for new alternative energy programs are in short supply, but like a broken record, this Congress continues to raid the piggybank of America's energy producers.

Now I know it makes great press releases to say this Congress is taking away the record profits of big oil to invest in renewable energy. But are we drafting press releases or are we drafting sound policy?

Earlier this year, I stood on the floor and supported H.R. 6, the Clean Energy Act, which included many of the same tax provisions as the bill today, and I encouraged my colleagues at that time to do the same. While I had concerns, it could reduce incentives for domestic production, the bill did not include more punitive measures that could destabilize our Nation's gasoline supply even further.

As a show of good faith during that critical 100 hours for our new majority, I voted for that bill. But I expressed my support for H.R. 6 on the floor concluding with my remarks with one important message: If we hit one industry for billions and billions of dollars, you can't go back for more and more and expect enough gasoline for our cars and fuel to heat and cool our homes.

Only 6 months later, here we are again, only this time we are almost doubling the amount of taxes on U.S. oil and gas companies. I am not here to protect the interest of big oil, I am here to protect the interests of the American consumer who relies on those critical energy supplies. And I'm here to protect the jobs of U.S. workers.

Neither of these interests are advanced if we in Congress continue to view America's energy industry as the ATM for Congress.

Everyone agrees we must invest more in renewable sources of energy, but this isn't a buffet. We don't have the luxury to pick and choose which energy resources our Nation will rely on. The Energy Information Administration predicts that natural gas, oil and coal will comprise approximately the same share of our total energy supply in 2030 as it did in 2005, even with the new investments for renewable energy. That is why our Nation's energy security requires tax policies that promote greater supplies of these fuels, not policies that hinder domestic production and refinery capacity.

H.R. 6 included tax provisions that brought in $7.7 billion, mostly from the section 199 repeal. That same section now scores $11.4. In only 6 months, the same proposal has increased in cost by an additional $4 billion.

This large increase in new taxes targeted at the U.S. energy industry will reduce our Nation's energy security by discouraging domestic oil and gas production, discouraging new investments in refining capacity, and actually tilting the competitive playing field for global energy resources against U.S.-based oil and gas companies.

I've heard many Members of this chamber preach to the energy industry on the need to reduce the cost of gasoline for consumers and invest more in refinary capacity.

Can anyone tell me how increasing their taxes could possibly accomplish these twin goals?

From 1992–2006 the five major oil companies invested $765 billion in new capital energy infrastructure, compared to their net income of $662 billion.

These companies invested more than they earned, and less money in their coffers means less money for critical infrastructure investments.

And finally, let's talk about jobs. In the United States, there are almost 1.9 million Americans directly employed in the oil and natural gas industry and almost 6 million total U.S. jobs resulting from oil and gas activity when indirect and other employment is considered.

Increasing costs on the domestic oil and gas industry, and on U.S. based oil and gas companies operating abroad, will jeopardize these highpaying jobs.

So before this Congress makes yet another ATM withdrawal from the oil and gas industry, let us not ignore the big picture of ensuring Americans have a stable supply of energy to help move us towards our long term goals of cleaner energy sources.

I urge my colleagues to vote for sound energy policy and vote against this bill.

Mr. ENGLISH of Pennsylvania. Does the gentleman have any additional speakers?

Mr. MCDERMOTT. No. I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank my friend from Pennsylvania.

We are told this is a new direction. This isn't a new direction. This isn't new thinking. We saw it 30 years which brought gas shrines. We saw it 30 years ago, and it brought us gas lines. We had a chance in this bill to fix a lot of problems.

We lost in my district, down in Lufkin, Texas, home of Charlie Wilson, we lost nearly 1,000 hardworking union jobs because natural gas was too expensive. We have lost a whole bunch more, and are in danger of losing more in Longview because natural gas is too high. We could have addressed that and fixed that.

But I guess the good thing that came out 30 years ago was that the gas lines and the problems that arose and the high gas prices brought us Ronald Reagan, and people's memories have waned some.

But this is Saturday, and there are not many people watching, but please note that when the policies in this bill end up helping gas run up to $5 a gallon—yes, it will help alternative fuels, but we would have gotten there eventually anyway. But please note that when it gets to $5 a gallon and more people, including union people, are losing their jobs, they will ultimately note and voters will long remember.

So long live gas lines and Jimmy Carter's legacy.

□ 1900

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 3 minutes remaining.

Mr. ENGLISH of Pennsylvania. And may I confirm again that the gentleman is prepared to close?

Mr. MCDERMOTT. Yes.

Mr. ENGLISH of Pennsylvania. Thank you. In that case, I yield the balance of our time to a member of the Ways and Means Committee and the ranking member of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

I rise in opposition to this for a number of reasons. Does anybody on Earth think that by raising taxes on oil and gas that we're not going to raise prices on oil and gas? Does anybody believe that we're not going to raise gas prices with this bill? Does anybody believe that we're not going to make it more expensive for people to heat their homes? Does anybody believe we're not going to make us more dependent on foreign oil? That's what this bill does. This bill raises gas prices, makes it more expensive for us to heat our homes, make us more dependent on foreign oil, and less competitive internationally.

It could have been a good bill. It could have done more to make us less dependent on foreign oil. It could have helped us do more to make us energy independent, renewable. And why are we raising all these taxes? So we can come up with a new pork barrel spending program to give to big cities to spend as they wish.

Why on Earth would we do that when we're going to make our constituents pay higher gas prices? The intentions are noble. The delivery is bad. This policy has been tried before, and it has failed.

I urge defeat of this bill because it is a missed opportunity. It's a missed opportunity to a real bipartisan success, like we had in the Energy Policy Act of 2005, where we invested in hydrogen, in renewable energy, in conservation and, yes, in more domestic production. That's what we should do. You can't do one and not the other.

We need to produce more energy here so we're less dependent on foreign oil. That's very important. This does none of that. It goes in the wrong direction.

We need to incentivize conservation. There's some conservation incentives here. We need to do more on renewables and do it in such a way where it's not picking winners and losers; where the best technology gets funded. Sadly, this bill says we're going to pick this technology and not that technology, and by doing so, we're hurting tomorrow's breakthroughs, tomorrow's innovations.

What we really ought to do is make us less dependent on foreign oil, lower gas prices, lower home heating costs, more conservation, and not pick winners and losers, and incentivize tomorrow's breakthroughs so the genius of America can continue to expand and come up with those new technologies we never heard of before.

Sadly, this prevents that from happening. It disincentivizes that. I urge a ''no'' vote because we shouldn't be raising taxes, doing budget gimmicks and making it more expensive for us to take our kids to school, to go to work and heat our homes.

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

This is really a defining moment for the Congress, Mr. Speaker, and how we vote will define whether we embrace the future or cling to the past that is destroying us.

Now, the last speaker talked about somehow, if we take back some of the obscene profits from the oil industry and use it to develop alternative energy and to invest in conservation measures around this country, that that will be the end of the Western World as we've known it. Between 2004 and 2006, oil companies experienced profit increases of an average of 62 percent, some of them as high as 117 percent. Now, oil profits, in the dictionary, that would be obscene, and anybody who thinks we're destroying the oil industry here simply is unwilling to look at the facts.

Supporting this energy legislation is really a vote to move toward our national security because our addiction to oil makes us vulnerable to foreign countries and keeps our soldiers fighting and dying in Iraq. No one here in this House still believes that oil wasn't a major reason why we went into Iraq.

Supporting this energy legislation is a vote to strengthen America's domestic economy because our addiction has made the American people vulnerable to punishing and unrelenting price shocks. We didn't start the increase in prices in energy. Gasoline prices weren't started in here by raising taxes. If you think that the oil companies, I don't know if there's anybody in this country who thinks that the Congress is what makes the oil prices go up, the gasoline prices.

Now, supporting this energy legislation is also a vote to save our planet,

because addiction to oil has placed us on a collision course with global warming. Every witness who came before the Ways and Means Committee, whether they were called by the Republicans or the Democrats, agreed that global warming is something we must deal with. The arguments I hear are not about whether there is global warming. The question is how should we deal with it how quickly, what's the best way.

Now, you either turn back now and we will face economic calamity and planetary catastrophe, that's a choice you guys can make, or turn back now and we fail the American people in our global responsibility.

The choice is very clear. The choice is really easy, and the need is urgent for our children, for our grandchildren, for the planet.

I ask all the Members to support this legislation.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in support of greater energy efficiency. I read an article recently about the residents of Gudda, a small village in India, who are harnessing the Sun's power to bring light into their homes when the Sun sets. This tiny village has nothing; no power lines to bring electricity, no real roads for vehicles to bring food and supplies, water is scarce, and yet this village has easily succeeded to make use of alternative energy. Gudda has shown that being green is easy and can be done by anyone!

The time has come for America to lead the world in the fight against climate change and in protecting our environment. We must not delay as we move toward energy independence.

Alternative energy means new jobs for Americans, lower energy costs and more technology that we can export to other countries. This legislation does more than fight global warming and protect our environment, it will strengthen our economy and make the United States the leader in providing alternative energy.

Let's show the world that the United States cares about global warming and is willing to do something about it. Let's show the world that our talent and technology will improve lives around the world. Let's vote for this bill today.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to support an energy bill that puts our country on a greener energy path. The tax provisions will expedite the adoption of green energy from solar, wind, biofuels, geothermal and other environmentally friendly sources.

The $16 billion energy tax package helps energy stakeholders and communities to invest in renewable sources as well as energy conservation and efficiency.

One of the new and more progressive tax provisions is an energy conservation bond program which helps municipalities finance conservation projects that reduce greenhouse gas emissions. Massachusetts stands to receive over $76 million through this program and since the largest cities and counties are given priority in this program, Springfield, Massachusetts, would be eligible for $1.8 million in bonding authority helping to lead the way to a greener Massachusetts.

Mr. Speaker, this legislation takes an innovative approach to new technologies and ideas to promote greener energy. The incentives are not narrowly focused on energy industry players alone. Consumers are also given incentives to make energy-efficient investments in their homes and properties, which represents a holistic approach to lessening our reliance on fossil fuels and towards a greener, cleaner America.

Mr. STARK. Mr. Speaker, I rise today in support of ending senseless tax breaks and subsidies for giant oil and gas companies and making needed investments in clean energy and efficiency. Although I support the energy package before us today, I urge my colleagues to realize that this is a small, first step. There is a tremendous amount of work to be done to confront global warming and shift our nation away from our addiction to fossil fuels.

Today we have an opportunity to greatly increase energy conservation by setting new efficiency standards for appliances and promoting carbon-neutral green buildings. These two steps will prevent as much as 10 billion tons of carbon dioxide from entering the atmosphere. In addition to these measures, I strongly support the Udall-Platts amendment to establish a Renewable Electricity Standard, which will ensure that 15 percent of our electricity is produced through renewable sources by 2020.

In 2006 the top five oil companies raked in record-breaking profits of over $119 billion. As President Bush himself has admitted, there is no need to give oil companies taxpayer-funded subsidies when the price of oil is at or near all time highs. I support the tax portion of the package that ends $16 billion in tax breaks for companies like Exxon/Mobil and closes the ridiculous loophole that has allowed business owners a $25,000 deduction for purchasing a gaz-guzzling Hummer. The savings generated are then invested in developing clean energy.

My support for the energy package is tempered by the fact that it does not include any increase in our woefully out-of-date CAFE standards. I am also troubled that we are continuing to subsidize corn-based ethanol production. A simple shift from gasoline to ethanol will do nothing to reduce greenhouse gas emissions, but it will eat up open space and continue to drive up food prices.

Both bills make important progress and I urge my colleagues to support them. However, larger changes, such as a carbon tax, are needed if we are serious about stopping global warming.

Mr. THOMPSON of California. Mr. Speaker, my district—California's First Congressional District—provides ample evidence of the importance of renewable energy. My district is home to The Geysers, the largest complex of geothermal power plants in the world—which can generate enough energy to run over 750,000 homes. My district is also home to California's best wine country and wineries that use solar systems to generate all of their electricity.

This legislation extends and improves Federal incentives for renewable energy production so that States across America can follow California's lead.

We extend the tax credit for the production of biomass, geothermal, wind, and many other types of renewable energy. We extend the solar investment tax credit for 8 years providing long-term stability to that industry. We expand existing and create new incentives for taxpayers to make their homes and their businesses more energy efficient. And we make an investment in technology known as ''smart meters''—tools that will allow consumers to better manage their electricity usage during peak hours.

I have some concerns with the language in this section that refers to net metering, but I am confident that we can use the conference process to clarify these specific provisions.

Mr. Speaker, this legislation makes a critical investment renewable energy, and it does so without increasing the Federal deficit by a dime.

The new Democratic Leadership has made a strong commitment to fiscal responsibility and this legislation meets the rigorous Pay-As-You-Go requirements of the 110th Congress.

I am proud of this investment in alternative energy and I urge an aye vote on this legislation.

Mr. CONYERS. Mr. Speaker, today I rise in support of H.R. 2776. Every day we see the effects of global warming and it is imperative the Congress act on this critical issue. It is important that we continue to improve our environment as we strive to fight the effects of global warming. H.R. 2776 would implement tax incentives to encourage the production of renewable resources and other energy efficient programs, necessary measures towards fighting global warming. There are many groups, businesses and trade organizations who join me in supporting this bill including Greenpeace, General Electric, Friends of the Earth, Public Citizen, Sierra Club, and Whirlpool.

H.R. 2776 will use tax credits and incentives to increase the use of renewable and alternative fuels. It will extend the renewable energy tax credit for those who choose to use renewable energy sources such as wind facilities, hydropower, and marine renewable energies. The bill will also continue providing the solar energy and fuel cell investment credit by extending a 30 percent investment tax credit for 8 years. Finally, this bill will provide tax incentives for renewable fuels such as biodiesel, renewable diesel, celloslosic alcohol.

In addition, this legislation promotes the use of energy-efficient products to reduce the Nation's consumption of energy. It provides tax incentives for consumers to purchase energy efficient products such as hybrid vehicles and to outfit workplaces with energy efficient products. Manufacturers are also granted tax incentives encouraging them to create energy efficient products. H.R. 2776 builds a partnership between Federal, State, and local governments that would provide local authorities the ability to raise interest free funds for energy conservation programs in mass transit and green buildings.

Furthermore, H.R. 2776 will increase funding to encourage the research and development of renewable energy. This bill provides billions to States to give low interest loan programs to working families to purchase energy-efficient appliances and energy-efficient home improvements such as solar panels, insulation or geothermal heat pumps. These energy saving improvements will dramatically reduce energy consumption. This legislation also grants interest free loans for research facilities and research grants for the development of celloslosic ethanol, cleaner carbon dioxide, and automobile battery technologies.

H.R. 2776 also repeals a tax loophole. The bill limits the ability of oil and gas companies

to claim foreign tax credits, while leaving significant tax breaks untouched. Yet, this provision has no impact on oil and gas production in the United States, providing additional revenue to the U.S. treasury.

Mr. Speaker, Southeast Michigan has been hit hard due to the Bush administration's misguided trade policy. Governor Granholm unveiled a 21st century job initiative where billions of dollars will be invested in developing new technologies and emerging industries. In my hometown of Detroit, Next Energy, a 501 (c)3 organization that promotes renewable energy, will directly benefit from these tax breaks because they have made impressive strides in automotive and electric power.

I believe, this piece of legislation will directly contribute to providing jobs to my constituents, end America's addiction to oil, and hopefully transform the automotive industry. I urge my colleagues to support H.R. 2776.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 615, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ENGLISH of Pennsylvania. I am indeed, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. English of Pennsylvania moves to recommit the bill H.R. 2776 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Energy and Energy Conservation Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act 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.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PRODUCTION AND INVESTMENT INCENTIVES

Sec. 101. Extension of renewable energy credit.
Sec. 102. Extension of energy credit.
Sec. 103. Expansion and modification of advanced coal project investment credit.
Sec. 104. Expansion and modification of coal gasification investment credit.
Sec. 105. Expansion of special allowance to cellulosic biomass alcohol fuel plant property.
Sec. 106. Extension of alternative fuel vehicle refueling property credit.
Sec. 107. Extension of biodiesel and renewable diesel used as fuel.
Sec. 108. Extension of energy efficient commercial building deduction.

TITLE II—TAX CREDIT BONDS

Sec. 201. Extension and modification of clean renewable energy bonds.

TITLE III—CONSERVATION INCENTIVES

Sec. 301. Extension and modification of credit for residential energy efficient property.
Sec. 302. Extension of credit for hybrid motor vehicles and advanced lean burn vehicles.
Sec. 303. Extension of nonbusiness energy property credit.
Sec. 304. Extension of new energy efficient home credit.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Revision of tax rules on expatriation.
Sec. 402. Repeal of suspension of certain penalties and interest.
Sec. 403. Increase in information return penalties.
Sec. 404. Clarification that credits for fuel are designed to provide incentive for United States production.
Sec. 405. Modification of limitation on automobile depreciation.
Sec. 406. Extension of coal excise tax levels.
Sec. 407. Bulk transfer exception not to apply to finished gasoline.
Sec. 408. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 409. Reducing REIT holding period safe harbor.
Sec. 410. Time for payment of corporate estimated taxes.

TITLE I—PRODUCTION AND INVESTMENT INCENTIVES

SEC. 101. EXTENSION OF RENEWABLE ENERGY CREDIT.

(a) IN GENERAL.—Subsection (d) of section 45 (relating to qualified facilities) is amended by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. EXTENSION OF ENERGY CREDIT.

(a) IN GENERAL.—

(1) QUALIFIED FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(2) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(3) SOLAR PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment this Act.

SEC. 103. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) CREDIT RATE PARITY AMONG PROJECTS.—Section 48A(a) (relating to qualifying advanced coal project credit) is amended by striking ''equal to'' and all that follows and inserting ''equal to 30 percent of the qualified investment for such taxable year.''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) (relating to aggregate credits) is amended by striking ''$1,300,000,000'' and inserting ''$1,800,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) (relating to aggregate credits) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i),

''(iii) $300,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii), and

''(iv) $200,000,000 for other advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) (relating to certification) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in clause (iii) or (iv) of paragraph (3)(B) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—Section 48A(e)(1) (relating to requirements) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting '', and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in paragraph (2)(A)(ii), the project includes equipment to separate and sequester 65 percent of such project's total carbon dioxide emissions.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 104. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) CREDIT RATE.—Section 48B(a) (relating to qualifying gasification project credit) is amended by striking ''20 percent'' and inserting ''30 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) (relating to qualifying gasification project program) is amended by striking ''$350,000,000'' and inserting ''$500,000,000 (of which $150,000,000 shall be allocated for qualifying gasification projects that include equipment to separate and sequester 75 percent of such a project's total carbon dioxide emissions)''.

(c) ELIGIBLE PROJECTS INCLUDE FISCHER-TROPSCH PROCESS.—Section 48B(c)(7) (defining eligible entity) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) transportation grade liquid fuels.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 105. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOMASS ALCOHOL FUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

''(3) CELLULOSIC BIOMASS ALCOHOL.—For purposes of this subsection, the term 'cellulosic biomass alcohol' means any alcohol produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biomass alcohol''.

(2) The heading of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOMASS ALCOHOL''.

(3) The heading of paragraph (2) of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOMASS ALCOHOL''.

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

SEC. 106. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 30C(g) (relating to termination) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 107. EXTENSION OF BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.

(a) IN GENERAL.—

(1) INCOME TAX CREDITS FOR BIODIESEL AND RENEWABLE DIESEL AND SMALL AGRI-BIODIESEL PRODUCER CREDIT.—Subsection (g) of section 40A (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(2) EXCISE TAX CREDIT.—Section 6426(c)(6) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(3) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(5)(B) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 108. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDING DEDUCTION.

(a) IN GENERAL.—Subsection (h) of section 179D (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE II—TAX CREDIT BONDS

SEC. 201. EXTENSION AND MODIFICATION OF CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—

(1) INCREASE.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(A) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(B) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(2) EXTENSION.—Subsection (m) of section 54 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

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

TITLE III—CONSERVATION INCENTIVES

SEC. 301. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) (relating to maximum credit) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,334''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after December 31, 2007.

SEC. 302. EXTENSION OF CREDIT FOR HYBRID MOTOR VEHICLES AND ADVANCED LEAN BURN VEHICLES.

(a) IN GENERAL.—Subsection (j) of section 30B (relating to termination) is amended—

(1) by striking ''December 31, 2010'' in paragraph (2) and inserting ''December 31, 2011'', and

(2) by striking ''December 31, 2009'' in paragraph (3) and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 303. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (g) of section 25C (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to property placed in service after December 31, 2007.

SEC. 304. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE IV—REVENUE PROVISIONS

SEC. 401. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax

shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of

a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

''Sec. 2801. Imposition of tax.

''SEC. 2801. IMPOSITION OF TAX.

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SEC. 402. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 403. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$900,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$200,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking ''$150,000'' and inserting ''$400,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$250,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$150,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking ''$100,000'' and inserting ''$600,000''.

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking ''$100'' and inserting ''$250''.

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$100'', and

(2) by striking ''$100,000'' and inserting ''$600,000''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 404. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE INCENTIVE FOR UNITED STATES PRODUCTION.

(a) BIODIESEL FUELS CREDIT.—Paragraph (5) of section 40A(d), as added by subsection (c), is amended to read as follows:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel unless—

''(A) such biodiesel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the location of such production.

For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(i), as added by subsection (c), is amended to read as follows:

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel unless—

''(A) such biodiesel or alternative fuel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of such biodiesel or alternative fuel which identifies the product produced and the location of such production.''.

(c) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(1) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(2) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(3) EXCISE TAX CREDIT.—

(A) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(h) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(B) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(h).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

(2) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (c) shall take effect as if included in section 301 of the American Jobs Creation Act of 2004.

(B) ALTERNATIVE FUEL CREDITS.—So much of the amendments made by subsection (c) as relate to the alternative fuel credit or the alternative fuel mixture credit shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(C) RENEWABLE DIESEL.—So much of the amendments made by subsection (c) as relate to renewable diesel shall take effect as if included in section 1346 of the Energy Policy Act of 2005.

SEC. 405. MODIFICATION OF LIMITATION ON AUTOMOBILE DEPRECIATION.

(a) IN GENERAL.—Paragraph (5) of section 280F(d) (defining passenger automobile) is amended to read as follows:

''(5) PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'passenger automobile' means any 4-wheeled vehicle—

''(i) which is primarily designed or which can be used to carry passengers over public streets, roads, or highways (except any vehicle operated exclusively on a rail or rails), and

''(ii) which is rated at not more than 14,000 pounds gross vehicle weight.

''(B) EXCEPTIONS.—The term 'passenger automobile' shall not include—

''(i) any exempt-design vehicle, and

''(ii) any exempt-use vehicle.

''(C) EXEMPT-DESIGN VEHICLE.—The term 'exempt-design vehicle' means—

''(i) any vehicle which, by reason of its nature or design, is not likely to be used more than a de minimis amount for personal purposes, and

''(ii) any vehicle—

''(I) which is designed to have a seating capacity of more than 9 persons behind the driver''s seat,

''(II) which is equipped with a cargo area of at least 5 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment, or

''(III) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.

''(D) EXEMPT-USE VEHICLE.—The term 'exempt-use vehicle' means—

''(i) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business,

''(ii) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire, and

''(iii) any truck or van if substantially all of the use of such vehicle by the taxpayer is directly in—

''(I) a farming business (within the meaning of section 263A(e)(4)),

''(II) the transportation of a substantial amount of equipment, supplies, or inventory, or

''(III) the moving or delivery of property which requires substantial cargo capacity.

''(E) RECAPTURE.—In the case of any vehicle which is not a passenger automobile by reason of being an exempt-use vehicle, if such vehicle ceases to be an exempt-use vehicle in any taxable year after the taxable year in which such vehicle is placed in service, a rule similar to the rule of subsection (b) shall apply.''.

(b) CONFORMING AMENDMENT.—Section 179(b) (relating to limitations) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 406. EXTENSION OF COAL EXCISE TAX LEVELS.

Paragraph (2) of section 4121(e) (relating to reduction in amount of tax) is amended to read as follows:

''(2) TEMPORARY INCREASE TERMINATION DATE.—For purposes of paragraph (1), the temporary increase termination date is the first January 1 after the date of the enactment of this paragraph as of which there is—

''(A) no balance of repayable advances made to the Black Lung Disability Trust Fund, and

''(B) no unpaid interest on such advances.''.

SEC. 407. BULK TRANSFER EXCEPTION NOT TO APPLY TO FINISHED GASOLINE.

(a) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended by adding at the end the following new clause:

''(iii) EXCEPTION FOR FINISHED GASOLINE.—Clause (i) shall not apply to any gasoline

which meets the requirements for gasoline under section 211 of the Clean Air Act.''.

(b) EXCEPTION TO TAX ON FINISHED GASOLINE FOR PRIOR TAXABLE REMOVALS.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) EXEMPTION FOR PREVIOUSLY TAXED FINISHED GASOLINE.—The tax imposed by this paragraph shall not apply to the removal of gasoline described in subparagraph (B)(iii) from any terminal if there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii) of subparagraph (A). The preceding sentence shall not apply to the volume of any product added to such gasoline at the terminal unless there was a prior taxable removal or entry of such product under clause (i), (ii), or (iii) of subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel removed, entered, or sold after December 31, 2007.

SEC. 408. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

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

SEC. 409. REDUCING REIT HOLDING PERIOD SAFE HARBOR.

(a) IN GENERAL.—Paragraph (6) of section 857(b) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' each place it appears and inserting ''2 years'', and

(2) by striking ''4-year'' each place it appears and inserting ''2-year''.

(b) CONFORMING AMENDMENT.—

(1) Subparagraph (A) of section 856(j)(4) (relating to coordination with coordination with 4-year holding period) is amended by striking ''4 years'' and inserting ''2 years''.

(2) The heading for paragraph (4) of section 856(j) is amended by striking ''4-YEAR'' and inserting ''2-YEAR''.

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

SEC. 410. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.75 percent'' and inserting ''117.50''.

Mr. ENGLISH of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania is recognized for 5 minutes in support of his motion.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, we have had, I think, a very good debate today on the energy tax bill, and I admire the passion on the other side, even if I don't associate myself with all of its particulars. I believe the debate offered Members a chance to hear both good and bad about what is in this bill.

The very bad, huge tax increases on American oil and gas companies and on domestic production and the green bond slush fund are removed from our substitute in this motion to recommit.

But the fact that I strongly oppose the bill put together by the other side does not mean that the tax code can't play a constructive and creative role in promoting conservation and increasing the use of renewable and alternative fuels.

The motion to recommit provides Members of the House with the opportunity to consider a different approach on these issues.

This motion would extend many current law provisions designed to encourage the production of alternative fuels and the conservation of energy, many of which the majority saw fit to include in their bill.

But several current tax provisions encouraging energy conservation will expire if H.R. 2776 is enacted in its current form, including incentives for individuals to make energy efficiency upgrades in their home, to install solar power and solar water heating capacity, and to purchase hybrid and other fuel-efficient vehicles.

I believe the extension of these consumer-based tax credits is important, and I regret that the majority chose not to include them in their bill and rejected, on a party-line vote in committee, an effort to restore the tax credit for making energy efficiency upgrades to existing homes.

It is unfortunate that the majority has become so enamored of their tax credit slush fund program that they forgot the tax credits for consumers are highly effective. For example, 2007 hybrid vehicle sales in the United States are projected to be double the level from 2005, the year Republicans first enacted the credit.

In addition, my substitute would extend the section 45 production tax credit that has helped increase the amount of electricity generated from sources like wind and biomass and landfill gas.

But unlike the bill before us, H.R. 2776 as reported by the committee, my substitute does not reduce the value of the wind credit. Many supporters of the credit, even those who have endorsed the extension provided by the bill, have expressed real reservations that the ''haircut'' given to the credit, that it could threaten the continued rapid expansion of this promising alternative to fossil fuel-powered electricity generation.

Finally, let me highlight the fact that the motion to recommit does justice to America's greatest energy source, coal.

This country's vast reserves of coal can continue to fuel America's economic engine for decades, even centuries to come. More than half of the electricity in America comes from coal. It would be irresponsible, if not irrational, to ignore this inconvenient truth.

Therefore, Mr. Speaker, the substitute would extend and reauthorize the advanced coal and coal gasification investment tax credits. These credits reward companies for investing in promising technologies that convert coal into clean-burning natural gas. By placing a new carbon sequestration requirement on these projects, the provision helps secure our energy security while protecting our environment at the same time.

The credit also helps manufacturers who depend on natural gas as a feedstock, because it will ensure a secure, reliable and affordable source of this vital commodity. In doing so, we can help keep the high-paying manufacturing jobs that rely on natural gas right here in the United States.

And Mr. Speaker, if Members want to vote for an energy bill that might actually increase the supply of energy, that might actually lower the price of gasoline or heating oil, that will encourage the clean development of our Nation's most abundant energy source, coal, you have your chance right now.

Join us in voting for this motion to recommit.

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the proposal Republicans have put on the table here are like the things that addicts say. They just want one more fix; let's just have one more quick fix to take care of their problems.

The things that you have said here make me wonder if you understand how business operates. To give people a one-year extension of money and say, make plans, build buildings, hire people and start a new industry, but you've got a one-year guarantee, indicates you have no idea how business runs. That's why we made it 4 years, to give people an opportunity to actually do this.

People listening might ask themselves, well, what's the cost to all this. Well, it costs a long-term extension for renewable energies. It costs a long-term extension for solar properties. It costs the production tax credit for cellulosic ethanol, which plays into the ethanol question. It costs a long-term extension of energy-efficient commercial building expenditures. How can you build a building in one year, from planning to building to constructing, how can you do that? But that's what you're suggesting; we will give them one year.

The Republican motion to recommit makes sure that the renewable energy industry is denied the economic certainty they need to drive production of energy from renewable sources in order that the oil and gas industry can be fully sheltered.

You wouldn't want any competition for Big Oil.

I yield 2 minutes to the gentleman from Texas to talk about how you pay for it.

The SPEAKER pro tempore. The gentleman is free to yield, but he has to control the amount of time. The Chair cannot do that for him.

Mr. DOGGETT. Mr. Speaker, we know, first of all, what is not in this motion to recommit. What is not in this motion to recommit is anything about the exciting new opportunity with plug-in hybrids. This has been deleted from the bill with this motion to recommit.

We know, as the gentleman from Washington is just saying, that what those who have worked so hard in solar power have requested, an 8-year extension so we can get the investment. We heard from investment bankers saying you need that kind of dependability in order to get the money that solar power needs to expand particularly throughout the South and Southwest. That will not be available under this Republican proposal.

But what is in this proposal? Well, after all of the very strange comments that have been made about denying mom an opportunity to drive an SUV, the same tax on Hummers that is in our proposal is in their motion to recommit. Look at the bill. Look at the scoring from the Joint Committee on Taxation for the motion to recommit at page 2, line 7, and you will see exactly that same matter.

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In fact, after all the talk about how we don't want taxes on the petroleum industry, when I look at their proposal, I find almost $1 billion in taxes on gasoline that they are proposing in their motion to recommit.

When I look at the line just above that in the same scoring document, I find almost $1 billion that is proposed by them in a tax on coal.

Now, there may be a need to do that at some point as we build our energy future here.

But everyone who votes for their motion to recommit, they need to understand today that they are voting for about $1 billion in gasoline taxes and almost $1 billion in taxes on coal, all at the same time they are denying our renewable industries what they need in wind and solar. They are denying them the dependability necessary to attract private investment to let those industries grow.

You know, we have so much fossilized thinking that we must overcome if we are to combat the real threat of climate change that endangers our country, that is perhaps our greatest long-term national security challenge. It's certainly a challenge to our health and our future.

And we also have to address the need for a new energy future that does not leave us dependent on foreign sources of energy. We have ample solar power here, we have great potential in this country, if we are willing to make the hard decisions to not be bound by the ideas of the past and move to the future.

You can do that today by rejecting this motion to recommit. When you reject the motion to recommit, you will also be rejecting about $1 billion in taxes on gasoline, about $1 billion in taxes on coal.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 65, nays 346, not voting 22, as follows:

[Roll No. 834]

YEAS—65

Alexander
Bachus
Baker
Barton (TX)
Bishop (UT)
Blunt
Boehner
Bono
Boustany
Brady (TX)
Broun (GA)
Camp (MI)
Cannon
Cantor
Capito
Conaway
Davis, Tom
Deal (GA)
Dent
Ehlers
English (PA)
Fortenberry
Frelinghuysen
Gerlach
Gillmor
Granger
Hastings (WA)
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Kingston
Knollenberg
Linder
Lungren, Daniel E.
McCrery
Myrick
Nunes
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Shadegg
Smith (NE)
Smith (TX)
Thornberry
Tiberi
Upton
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wolf

NAYS—346

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonner
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline (MN)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Pitts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—22

Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have less than 2 minutes to vote.

□ 1954

Messrs. MANZULLO, WALBERG, CAMPBELL of California, LoBIONDO, WILSON of South Carolina, TIM MURPHY of Pennsylvania, CASTLE, FARR, FORBES, BURTON of Indiana, MARKEY, SALI, POE, FOSSELLA, AKIN, ALTMIRE, MARCHANT, McHENRY, PEARCE, MAHONEY of Florida, GOHMERT, SOUDER, DONNELLY, NEUGEBAUER, CARTER, BOREN, WAMP, LATHAM, FRANKS of Arizona, HENSARLING, SESSIONS, LAMBORN, Mrs. MILLER of Michigan, Mrs. BACHMANN, Messrs. HILL, SENSENBRENNER, REHBERG, BONNER, KLINE of Minnesota, Ms. ROS-LEHTINEN, Messrs. CALVERT, TURNER, SPACE, TERRY, ROGERS of Alabama, DUNCAN, LINCOLN DIAZ-BALART of Florida, BUCHANAN, MARIO DIAZ-BALART of Florida, BURGESS, SULLIVAN, Ms. FALLIN, Messrs. DAVID DAVIS of Tennessee, COLE of Oklahoma, McHUGH, KUHL of New York, WALDEN of Oregon, BILIRAKIS, GARY G. MILLER of California, CHABOT, McKEON, STEARNS, Mrs. EMERSON, Messrs. HALL of Texas, BARTLETT of Maryland, GINGREY, GALLEGLY, HELLER of Nevada, LEWIS of Kentucky, EVERETT, GRAVES, YOUNG of Florida, JONES of North Carolina, DAVIS of Kentucky, SHIMKUS, ROSKAM, ADERHOLT, BROWN of South Carolina, ROYCE, Mrs. BIGGERT, Messrs. ISSA, LEWIS of California, SHUSTER, WICKER, LUCAS, MORAN of Kansas, TIAHRT, RAMSTAD, FEENEY, Mrs. BLACKBURN, Messrs. BUYER, BOOZMAN, DREIER, McCAUL of Texas, JOHNSON of Illinois, MICA, Mrs. SCHMIDT, Mr. RADANOVICH, Ms. GINNY BROWN-WAITE of Florida and Mrs. WILSON of New Mexico changed their vote from ''yea'' to ''nay.''

Mr. SHADEGG and Mr. ROHRABACHER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

The SPEAKER pro tempore. For what purpose does the gentleman from Louisiana rise?

Mr. McCRERY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentleman from Florida rise?

Mr. LINCOLN DIAZ-BALART of Florida. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. McGOVERN. To demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 189, not voting 23, as follows:

[Roll No. 835]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Kirk
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—23

Blackburn
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 2016

Mr. RAMSTAD changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. BLACKBURN. Mr. Speaker, on rollcall No. 835, my voting card malfunctioned and did not register my vote. Had my vote been accurately recorded, I would have been recorded as "nay."

The SPEAKER. Pursuant to section 3(b) of House Resolution 615, H.R. 2776 is laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1983

Mr. BOYD of Florida. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor from H.R. 1983.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 380

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent that Representative BEAN's name be removed as a cosponsor of H.R. 380. Her name was inadvertently added.

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

There was no objection.

PROVIDING FOR CONCURRENCE IN SENATE AMENDMENT TO H.R. 3311, AUTHORIZING ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF INTERSTATE I–35 BRIDGE IN MINNEAPOLIS, MINNESOTA; MAKING IN ORDER AT ANY TIME CONSIDERATION OF S. 1927, PROTECT AMERICA ACT OF 2007; AND MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent

(1) that the House hereby concurs in the Senate amendment to H.R. 3311; and

(2) that it be in order at any time on the legislative day of August 4, 2007, to consider S. 1927 in the House under the following terms:

All points of order against the bill and against its consideration are waived except those arising under clause 10 of rule XXI;

The bill shall be considered as read;

The previous question shall be considered as ordered on the bill to its final passage without intervening motion except: (a) 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the committee on the Judiciary and the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (b) one motion to recommit; and

(3) that it shall be in order at any time on the legislative day of August 4, 2007, for the Speaker, as though pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; and that the first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI; points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived; and no general debate shall be in order and the bill shall be considered for amendment under the 5-minute rule; no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. ROGERS of Michigan increasing funding for cooperative threat reduction programs;

An amendment by Mr. FRANKS of Arizona regarding missile defense;

An amendment by Mr. SESSIONS striking section 8020;

An amendment by Mr. ISSA regarding public disclosure of the aggregate amount of funds appropriated for the National Intelligence program;

An amendment by Mr. WALBERG limiting funds to award grants or contracts based on race, ethnicity or sex;

An amendment by Mr. CASTLE limiting funds for certain contract awards unless certain conditions are met;

An amendment by Mr. CASTLE authorizing the use of funds for certain reserve leave policies;

An amendment by Mr. CAMPBELL of California limiting funds for the Swimmer Detection Sonar Network;

An amendment by Mr. CAMPBELL of California limiting funds for Paint Shield for Program People from Microbial Threats project;

An amendment by Mr. INSLEE regarding the National Security Personnel System;

An amendment by Mr. UPTON or Ms. HARMAN regarding use of Energy Star certified light bulbs;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. FLAKE limiting funds for the National Drug Intelligence Center;

An amendment by Mr. FLAKE limiting funds for the Concurrent Technologies Corporation;

An amendment by Mr. FLAKE limiting funds for the Lewis Center for Education Research;

An amendment by Mr. FLAKE limiting funds for the Presidio Trust;

An amendment by Mr. FLAKE limiting funds for the Atmospheric Water Harvesting Project;

And an amendment by Mr. FLAKE limiting funds for the Doyle Center for Manufacturing Technology.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Defense each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted; and

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. HOYER. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

AUTHORIZING ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF INTERSTATE I–35 BRIDGE IN MINNEAPOLIS, MINNESOTA

The SPEAKER pro tempore. Under the order just entered, the Senate amendment to H.R. 3311 is concurred in.

The text of the Senate amendment is as follows:

Senate amendment:

In section 1112(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as added by section 3), strike subparagraph (B) and insert the following:

''(B) use not to exceed $5,000,000 of the funds made available for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities (without any local matching funds requirement) for operating expenses of the Minnesota State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, which are provided by the Metropolitan Council (of Minnesota) as a temporary substitute for highway traffic service following the collapse of the Interstate I–35W bridge in Minneapolis, Minnesota, on August 1, 2007, until highway traffic service is restored on such bridge.

A motion to reconsider was laid on the table.

□ 2030

PROTECT AMERICA ACT OF 2007

Mr. REYES. Mr. Speaker, pursuant to the previous order of the House, I call up the Senate bill (S. 1927) to

amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1927

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 ''Protect America Act of 2007''.

SEC. 2. ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105 the following:

''CLARIFICATION OF ELECTRONIC SURVEILLANCE OF PERSONS OUTSIDE THE UNITED STATES

''SEC. 105A. Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

''ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS CONCERNING PERSONS LOCATED OUTSIDE THE UNITED STATES

''SEC. 105B. (a) Notwithstanding any other law, the Director of National Intelligence and the Attorney General, may for periods of up to one year authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and the Attorney General determine, based on the information provided to them, that—

''(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Court pursuant to section 105C of this Act;

''(2) the acquisition does not constitute electronic surveillance;

''(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

''(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and

''(5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

''This determination shall be in the form of a written certification, under oath, supported as appropriate by affidavit of appropriate officials in the national security field occupying positions appointed by the President, by and with the consent of the Senate, or the Head of any Agency of the Intelligence Community, unless immediate action by the Government is required and time does not permit the preparation of a certification. In such a case, the determination of the Director of National Intelligence and the Attorney General shall be reduced to a certification as soon as possible but in no event more than 72 hours after the determination is made.

''(b) A certification under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

''(c) The Attorney General shall transmit as soon as practicable under seal to the court established under section 103(a) a copy of a certification made under subsection (a). Such certification shall be maintained under security measures established by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under section 105B.

''(d) An acquisition under this section may be conducted only in accordance with the certification of the Director of National Intelligence and the Attorney General, or their oral instructions if time does not permit the preparation of a certification, and the minimization procedures adopted by the Attorney General. The Director of National Intelligence and the Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under section 108(a).

''(e) With respect to an authorization of an acquisition under section 105B, the Director of National Intelligence and Attorney General may direct a person to—

''(1) immediately provide the Government with all information, facilities, and assistance necessary to accomplish the acquisition in such a manner as will protect the secrecy of the acquisition and produce a minimum of interference with the services that such person is providing to the target; and

''(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such person wishes to maintain.

''(f) The Government shall compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to subsection (e).

''(g) In the case of a failure to comply with a directive issued pursuant to subsection (e), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person to comply with the directive if it finds that the directive was issued in accordance with subsection (e) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

''(h)(1)(A) A person receiving a directive issued pursuant to subsection (e) may challenge the legality of that directive by filing a petition with the pool established under section 103(e)(1).

''(B) The presiding judge designated pursuant to section 103(b) shall assign a petition filed under subparagraph (A) to one of the judges serving in the pool established by section 103(e)(1). Not later than 48 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

''(2) A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with such directive.

''(3) Any directive not explicitly modified or set aside under this subsection shall remain in full effect.

''(i) The Government or a person receiving a directive reviewed pursuant to subsection (h) may file a petition with the Court of Review established under section 103(b) for review of the decision issued pursuant to subsection (h) not later than 7 days after the issuance of such decision. Such court of review shall have jurisdiction to consider such petitions and shall provide for the record a written statement of the reasons for its decision. On petition for a writ of certiorari by the Government or any person receiving such directive, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

''(j) Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(k) All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(l) Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section.

''(m) A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.''.

SEC. 3. SUBMISSION TO COURT REVIEW AND ASSESSMENT OF PROCEDURES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105B the following:

''SUBMISSION TO COURT REVIEW OF PROCEDURES

''SEC. 105C. (a) No later than 120 days after the effective date of this Act, the Attorney General shall submit to the Court established under section 103(a), the procedures by which the Government determines that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The procedures submitted pursuant to this section shall be updated and submitted to the Court on an annual basis.

''(b) No later than 180 days after the effective date of this Act, the court established under section 103(a) shall assess the Government's determination under section 105B(a)(1) that those procedures are reasonably designed to ensure that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The court's review shall be limited to whether the Government's determination is clearly erroneous.

''(c) If the court concludes that the determination is not clearly erroneous, it shall enter an order approving the continued use of such procedures. If the court concludes that the determination is clearly erroneous, it shall issue an order directing the Government to submit new procedures within 30 days or cease any acquisitions under section 105B that are implicated by the court's order.

''(d) The Government may appeal any order issued under subsection (c) to the court established under section 103(b). If such court determines that the order was properly entered, the court shall immediately provide for the record a written statement of each reason for its decision, and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision. Any acquisitions affected by the order issued under subsection (c) of this section may continue during the pendency of any appeal, the period during which a petition for writ of certiorari may be pending, and any review by the Supreme Court of the United States.''.

SEC. 4. REPORTING TO CONGRESS.

On a semi-annual basis the Attorney General shall inform the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning acquisitions under this section during the previous 6-month period. Each report made under this section shall include—

(1) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under section 105B, to include—

(A) incidents of non-compliance by an element of the Intelligence Community with guidelines or procedures established for determining that the acquisition of foreign intelligence authorized by the Attorney General and Director of National Intelligence concerns persons reasonably to be outside the United States; and

(B) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issue a directive under this section; and

(2) the number of certifications and directives issued during the reporting period.

SEC. 5. TECHNICAL AMENDMENT AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''501(f)(1)'' and inserting ''105B(h) or 501(f)(1)''; and

(2) in paragraph (2), by striking ''501(f)(1)'' and inserting ''105B(h) or 501(f)(1)''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 105 the following:

''105A. Clarification of electronic surveillance of persons outside the United States.

''105B. Additional procedure for authorizing certain acquisitions concerning persons located outside the United States.

''105C. Submission to court review of procedures.''.

SEC. 6. EFFECTIVE DATE; TRANSITION PROCEDURES.

(a) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this Act shall take effect immediately after the date of the enactment of this Act.

(b) TRANSITION PROCEDURES.—Notwithstanding any other provision of this Act, any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall remain in effect until the date of expiration of such order, and, at the request of the applicant, the court established under section 103(a) of such Act (50 U.S.C. 1803(a)) shall reauthorize such order as long as the facts and circumstances continue to justify issuance of such order under the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the applicable effective date of this Act. The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall enter orders granting such applications pursuant to such Act, as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act. At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act. Any surveillance conducted pursuant to an order entered under this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as in effect on the day before the effective date of this Act.

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, we bring up tonight the bill that was passed on the Senate side, S. 1927. Although this bill, in my opinion, is not the ideal bill, I think it is important that all of us understand that under the current situation that our country faces with the threat level being high, it is very important that we do everything that we can to keep the American people safe, to reassure people that this Congress is going to do everything it can to provide the administration the tools to keep us safe and secure.

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

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

Mr. Speaker, I support S. 1927, the Protect America Act of 2007. We are a Nation at war with foreign terrorists who are plotting deadly attacks. Al Qaeda recently released a video promising a big surprise in the near future. Yesterday, the Senate passed this national security bill, and the Senate got it right. It is time for the House to do the same.

This morning, the President called on the House to pass this critical bill, stating, ''Protecting America is our most solemn obligation, and I urge the House to pass this bill without delay.''

Mr. Speaker, last night we wasted valuable time considering a bill on the same subject strongly opposed by the Director of National Intelligence. But that debate did serve a purpose. Now we know where the majority of the majority stands. Ninety percent of the majority voted to deny the Director of National Intelligence what he said he needs to prevent future terrorist attacks.

The majority claimed that its legislation fixed the problem, knowing that the Director had publicly opposed the bill because it would not allow him to carry out his responsibility of protecting the Nation, especially in our heightened threat environment.

In the 30 years since Congress enacted the Foreign Intelligence Surveillance Act, telecommunications technology has dramatically changed. As a result, the intelligence community is hampered in gathering essential information about terrorists needed to prevent attacks against America. Congress must modernize FISA to address this problem.

The bill, one, clarifies well-established law that neither the Constitution nor Federal law requires a court order to gather foreign communications from foreign terrorists; two, adopts flexible procedures to collect foreign intelligence from foreign terrorists overseas; three, provides court review of collection procedures for this new authority; and, four, requires semiannual reports to Congress on the use of this new authority.

Unlike the majority's proposal from last night, this bill does not impose unworkable, bureaucratic requirements that would burden the intelligence community. Regrettably, the Protect America Act includes a 180-day sunset, but terrorists do not sunset their plots to kill Americans, so Congress must enact a permanent change in our laws.

Mr. Speaker, last April, the Director submitted to Congress a comprehensive proposal to modernize FISA. That proposal already should have been approved. Congress must enact the Director's proposals from April to give the intelligence community the additional tools they need to keep our country safe.

As we approach the sixth anniversary of the devastating 9/11 attacks, it is critical that we remain vigilant in our war against terrorism. President George Washington once said: ''There

is nothing so likely to produce peace as to be well prepared to meet the enemy.'' Heeding his words, we must maintain our commitment to winning the war against terrorism.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, this bill goes far beyond what is necessary and what was agreed to by the Director of National Intelligence. All of us agree that foreign-to-foreign communications need to be available for surveillance. However, this bill would grant the Attorney General the ability to wiretap anybody, anyplace, anytime, without court review, without any checks and balances.

I think that this unwarranted, unprecedented measure would simply eviscerate the fourth amendment that protects the privacy not of terrorists, but of Americans.

I strongly oppose this warrantless surveillance measure. I realize that in a short period of time, months, we will have an opportunity to undo the damage that is going to be done here tonight, and I pledge to America that should this measure pass, I will give it my all to make sure that we reclaim the fourth amendment in a measure that gains a vote from Members of Congress and Senators who take their oath of allegiance to the Constitution more seriously than has happened to date.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), the minority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and I am pleased to see this legislation on the floor this evening. I think it is critical that we pass this bill today, and many in the majority did too. I know it is not the bill that many of our friends on the other side would have liked to have had passed tonight, but I also know that they understand that there is a huge gap at this moment in the intelligence that we are watching, that we are gaining, that we are analyzing. This bill closes that gap.

Earlier today would have been better to pass this bill. Three weeks ago would have been better to pass this bill. But I am grateful that we have a chance before Congress goes into a district work period for a month to get this critically important piece of legislation passed.

Three weeks ago, we read the National Intelligence Estimate, if we wanted to take time to look at that estimate, and it was publicly stated during that estimate that our terrorist enemies were regrouping, that their communications had heightened, that their planning appears to be heightening; and we also understood at that time that we were not monitoring the communication that we knew we needed to be monitored because the law hadn't kept up with technology.

This takes the 1978 law, it provides the same protection for Americans that they had in 1978 and 1988 and 1998. And now, as we approach 2008, it just simply lets us have the definitions of the law meet the technology of the time.

The Attorney General and the Director of National Intelligence have to have approval. That is a change, and it is an important change. This is no longer only one person in the executive branch, but two people, both of whom have both responsibilities and penalties if they don't make the right decision under the law.

This monitors the communication of people who are initiating their communication in a foreign country. It protects Americans. That is why the FISA court was created. Americans are still protected under the FISA court, as they were under the technology of 1978.

I am pleased to see this on the floor. I am glad that the majority has agreed with us, that while many of them don't like this piece of legislation, the gap was too big not to take the bill that could wind up most quickly now on the President's desk and pass it tonight.

I urge my colleagues to support this, and I am grateful to my colleagues for seeing that this gap will not continue between now and Labor Day.

Mr. REYES. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman.

Mr. Speaker, this administration has told us many things, from the beginning with the weapons of mass destruction, to different issues that have had us to the point to where we are tonight. We are here because we are concerned about the safety and well-being of this country. But a number of Members do believe that we have been told many, many things that have not been true.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding.

Mr. Speaker, the other body has not acted, in my opinion, this humble Member's opinion, in a way that warrants great respect of the American people. It has done not just violence to the fourth amendment and violence to our civil liberties; it has eviscerated them with the bill it has sent over here for action.

The American people have a right to expect more from us. This is the Protect America Act of 2007. The American people expect to be protected and to be secure, not just against terrorists and other foreign threats, but also to be secure in the rights established in the Constitution of the United States, to know that we are standing up for the Constitution and fulfilling our pledge and our oath of office.

This bill does not do this. It purports to provide security, but it certainly doesn't provide any protections for our constitutional rights and civil liberties. We should have done better, and we could do better.

This administration took the Secretary of State and sent him to the U.N. on a mission which everyone ended up being ashamed of. Now they have sent the DNI, I fear, over here to make an agreement and find a bill that he can live with, under the premise that when he said he would, the President would sign it. Well, the conversations he had, he indicated that our bill strengthened the security of this country. But after a conversation with the White House, that was withdrawn, and now we end up with a bill that does not protect our civil liberties.

The fact of the matter is, Mr. Speaker, we can do better and we should do better. This bill starts off with the words ''notwithstanding any other law.'' That assumes that notwithstanding the Constitution, notwithstanding the fourth amendment, notwithstanding our civil liberties they are giving the authority to a President, a Director of National Intelligence, and an Attorney General, any Attorney General, to make decisions that should be made by a court, that should at least be reviewed by a court.

We have provided in a Democratic alternative a way to secure that protection and the security of this country, while still protecting our rights. The White House saw an opportunity to roll over that into a bill that is going to be I think regretted by everyone in this Chamber if they pass it, and it should be regretted in the Senate for what they did.

□ 2045

We are not doing this country any favors. If we think we are going to correct this in 120 days, when you give up your securities, when you give up your rights under the Constitution, it is not likely you are going to regain them.

As somebody said earlier tonight, your civil liberties don't go in a loud noise and a clap of thunder and the curtain coming down; they go quietly with whispers and into the darkness. That is what is happening with this bill, Mr. Speaker. We will all regret it.

We should pass a bill that secures this country, certainly and gives us all of the intelligence that needs to be intercepted, but we should do it in a way that doesn't sacrifice our civil liberties and the fourth amendment and our Constitution.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT) and a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, I do appreciate this bill coming to the floor. I do not think it is a travesty against our civil rights.

Some people have some confusion, I think, over civil rights versus rights in a time of war. Believe it or not, and I think most of you should understand, we are in a war. We didn't know it in

1979 when war was declared against us, but we are at war. There are those in the world who believe that freedom and liberty necessarily leads to debauchery and degradation. Therefore, we must have a dictatorial, brutal leader, religious leader that tells us what we can and can't do. If you don't, then they have the right to cut off your head and destroy our way of life.

Now we happen to believe when you declare war against us and you want to cut off our heads and destroy our way of life, then we have a right to protect ourselves. In criminal law, it is called self-defense, and that is an exception to some of the rights others may have. What some have confused, I think, is civil rights versus rights of those declare war against your way of life.

This is not a bill that will allow surveilling American citizens on American soils. But the message is this: If you declare war on this country and you are a foreigner, we may just listen in on your conversations and you can be prepared for that. I have every confidence because of the oversight that will be coming with Chairman CONYERS and the reports that are required in this bill, if they are not forthcoming, I expect to see to people held accountable, and I know Chairman CONYERS will make sure that happens. And hopefully some day, Chairman SMITH will be doing the same thing.

But the message, Mr. Speaker, is clear. You declare war on this Nation and you are in a foreign country, we may come after you and listen to what you have to say.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of the Constitution Subcommittee in Judiciary, JERRY NADLER of New York, and I am happy to yield to him 2 minutes.

Mr. NADLER. Mr. Speaker, I rise in opposition to this dangerous and ill-considered legislation.

Once again, this House is being stampeded by fear-mongering and deception into signing away our rights. If you trust this President and if you trust this dishonest Attorney General to exercise unfettered power to spy on Americans without any court supervision, then you should support this bill.

If you still believe in the America our Founders, the Framers and every succeeding generation has fought and died for, then you must oppose this legislation.

This bill is not what the Director of National Intelligence told us he needed. That was embodied in the bill that we considered last night and that we should be considering tonight, the House bill. We were told that we needed to fix the foreign-to-foreign intelligence. That bill fixed it.

We were told we had to compel electronics companies to do what the government needs to do on properly authorized surveillance. That bill did it. The Director of National Intelligence told us we had to deal with all foreign intelligence, we had to deal with recurring communications into the United States from foreign targets. That bill did it. That bill dealt with everything we were told was necessary for national security.

This bill is what Karl Rove and his political operatives in the White House decided they need to win elections. That is not national security, that is political warfare.

I do not believe we will soon be able to undo this damage. Rights given away are not easily regained. This bill is not needed to protect America from terrorists. * * *

We should stand up for America. We should stand up for our freedoms. We should stand up for our security. We should reject this bill so we can go and do the right thing and pass the bill that we had on the floor last night that did everything necessary for our national security. It gave us all the right to do the wiretapping and the surveillance we need. We should all be willing to stay here as long as it takes. I urge my colleagues to vote ''no.''

Mr. ISSA. Mr. Speaker, the gentleman has alleged illegal acts by the President's administration in his speech. I ask that those words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. NADLER. Mr. Speaker, in the interest of our getting home at some reasonable hour, I will be happy to withdraw the truthful and accurate statements I made a moment ago.

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

Mr. ISSA. The gentleman asked to withdraw the what statements? I couldn't quite hear it.

Mr. NADLER. Accurate statement I made a moment ago.

Mr. ISSA. No, he is not withdrawing them if he claims they are accurate. They are inaccurate.

Mr. NADLER. I am withdrawing them.

Mr. ISSA. Is the gentleman withdrawing them without any other reservation?

Mr. NADLER. I withdraw them without any reservations; but I retain my opinion.

Mr. ISSA. That's fair. Thank you.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS) who is a member of the Judiciary Committee and ranking member of the Constitution Subcommittee.

Mr. FRANKS of Arizona. Mr. Speaker, 9/11 is the ultimate reminder of the countless innocent American lives at stake when we miss critical or e-mail communications between foreign terrorists in foreign countries. If our national intelligence community is to effectively anticipate future threats, it must be allowed to keep up with the rapidly evolving world of telecommunications technology.

Mr. Speaker, last night in this House, Democrats chose to blatantly disregard the appeals of both the Director of National Intelligence as well as those of the FISA courts who have pleaded for a modernization of the system in order to reduce the needless burden of FISA court orders for foreign terrorist surveillance.

Instead, Democrat Members passed a bill that only further immobilizes our outdated foreign intelligence system.

Mr. Speaker, whether or not liberal Democrats acknowledge the threat that we face, that threat is very real, as terrorists themselves continue to remind us. Al-Manar recently said on BBC: ''Let the entire world hear me. Our hostility to the great Satan [America] is absolute . . . Regardless of how the world has changed after 11 September, death to America will remain our reverberating and powerful slogan: Death to America.''

Mr. Speaker, tonight is the last opportunity before leaving Washington for Members of this House to address the imminent possibility of a terrorist attack by effectively modernizing our FISA regulations to provide for the defense of the American people.

One thing is absolutely clear, Mr. Speaker: Al Qaeda will not rest when this body adjourns for the August recess. If we do not address the critical loopholes in our foreign surveillance system tonight, our children may some day face nuclear jihad, perhaps even in this generation. And what we will tell them, Mr. Speaker, when they look back on this day and condemn this generation for unspeakable irresponsibility in the face of such an obvious threat to human peace. We must pass this critical bill.

Mr. REYES. Mr. Speaker, I yield 2 minutes to the chair of the Select Intelligence Oversight Appropriations panel, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, this tonight is about how our government treats its people. One of the characteristics of oppressive governments that we detest throughout history is that they spy on their own people. The chilling intrusion into people's lives, effects, and relationships must be controlled even if the government officers think that the intrusion is necessary to preserve safety, security and order. Indeed, civil protections are necessary, especially if the government says they are trying to protect safety, security and order.

Courts must establish that there is a probable cause to believe an American is a threat to society, and it must be the courts, not the Attorney General, not the Director of National Intelligence, who determine that the standard is being met.

Let me correct some points. There is not a huge gap. FISA is not broken. Do not believe these scare tactics. Legislation should not be passed to respond to fear-mongering. Of course, we need

good intelligence to protect Americans, but we are being asked to enter a ''just trust us'' form of legislation. Just trust an Attorney General who has provided demonstrably false or misleading testimony before Congress on this very issue. We are being asked to just trust this Attorney General with unlimited authority to authorize spying on Americans through this legislation without oversight of the courts, even after his own Inspector General has revealed massive abuses of civil liberties through his department's unchecked use of national security letters.

I urge my colleagues to recognize this for the historic importance it has and vote down this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a member of the Appropriations Committee.

Mr. KIRK. Mr. Speaker, when our foreign wiretap law was enacted in 1978, telephones were plugged into a wall, cell phones did not exist, and no one had heard of e-mail. Bin Laden was in college and Zawahiri was in medical school.

Today, these men are now responsible for the murder of 3,000 Americans. They attacked the embassies in Kenya and Tanzania and nearly sunk the USS *Cole*.

They talk to each other now with cell phones, satellite phones, e-mail and Internet chat. While they have changed their communications, our law has not.

As a currently serving Naval intelligence officer, I am not just a Congressman, I am also a customer of these programs. Serving on the House Foreign Operations Subcommittee, we watch foreign matters closely.

And look at the issues we will deal with just in August: A reactor shutdown in North Korea; the Hamas takeover of Gaza; Venezuelan arms purchases from Iran; a war in Iraq; a war in Afghanistan, the rise of the Taliban in Pakistan; narcotraffickers in Colombia; genocide in Darfur. That is just this month's list.

The bipartisan bill passed by over 60 votes in the Senate. It will help us learn more about dangers. It doesn't just protect the rights of Americans. It will protect the lives of Americans.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a valued member of our committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee and I do applaud him for his consistent and impeccable commitment to civil liberties and civil rights.

Mr. Speaker, this administration has the law to protect the American people. Let no one come to this floor and suggest that what we are doing tonight is going to save lives because last night we passed legislation that indicated that foreign-to-foreign communication had no barriers, no barriers for those who are seeking intelligence.

Yet when an American was involved, the Bill of Rights, the fourth amendment, civil liberties with the underpinnings, and therefore a court intervened.

□ 2100

Homeland security is not a Republican issue. It is an issue for all Americans—all of us. Not one of us who sang ''God Bless America'' on the steps of this House will allow anyone to undermine the security of America.

The legislation last night offered by the Majority gave the Administration everything that they needed, but what we're doing here tonight, we are shredding the Constitution. We are tearing up the Bill of Rights because we are telling Americans that no matter what your business is, you are subject to the unscrupulous, undisciplined, irresponsible scrutiny of the Attorney General and others without court intervention.

This is not the day to play politics. It is to important to balance civil liberties along with the homeland security and the protection needs of America. I feel confident that the House FISA Bill does do that.

Shame on the other body for failing to recognize that we can secure America by securing the American people with fair security laws and by giving them their civil liberties.

I would ask my colleagues to defeat this so that we can go back to the bill that protects the civil liberties of Americans and provides homeland security. I ask my colleagues to support the Bill of Rights and National Security.

Mr. Speaker, I rise today in strong opposition to S. 1927. Had the Bush Administration and the Republican-dominated 109th Congress acted more responsibly in the two preceding years, we would not be in the position of debating legislation that has such a profound impact on the national security and on American values and civil liberties in the crush of exigent circumstances. More often that not, it is true as the saying goes that haste makes waste.

Mr. Speaker, the legislation before us is intended to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, FISA. But in reality it eviscerates the Fourth Amendment to the Constitution and represents an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led by an Attorney General whose reputation for candor and integrity is, to put it charitably, subject to considerable doubt.

Mr. Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing and I am far from persuaded that it needs to be jettisoned or substantially amended. But given the claimed exigent circumstances by the Administration, let me briefly discuss some of the changes to FISA I am prepared to support on a temporary basis, not to exceed 120 days.

First, I am prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. But I do insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a ''basket warrant'' without making individual determinations about foreign surveillance. There should be an initial 15-day emergency authority so that international surveillance can begin while the warrants are being considered by the Court. And there must also be congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under these warrants, to be submitted to the Intelligence and Judiciary Committees. Finally, as I have stated, this authority must be of short duration and must expire by its terms in 120 days.

In all candor, Mr. Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs, or the trustworthiness of this Administration, to indicate that they require any legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have been accomplished in the 109th Congress by passing H.R. 5371, the ''Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act,'' LISTEN Act,'' which I have co-sponsored with the then Ranking Members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

The Bush Administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees ''fully and currently informed'' of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush Administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Mr. Speaker, the legislation before us is not necessary. The bill which a majority of the

House voted to pass last night is more than sufficient to address the intelligence gathering deficiency identified by Director McConnell. That bill, H.R. 3356, provided ample amount of congressional authorization needed to ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans. That is why I supported H.R. 3356, but cannot support S. 1927. I encourage my colleagues to join me in voting against the unwise and ill-considered S. 1927.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), who's a member of the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, after listening to my friend from Texas, with whom I serve on two committees, I just must say that I'm sure she misspoke when she said that we passed a bill on the floor yesterday that would have done all those things. If the gentlelady will recall, it failed on the floor because it was under suspension, and that recollection is about as accurate as the description of the bill before us that I've heard from the other side.

I am disappointed to hear the rhetoric on this floor that scares the American people into believing that somehow we're tearing up the Constitution.

The fact of the matter is in 1978, when we passed the original version of FISA, we exempted from its consideration our capture of foreign conversations involving someone in a foreign country. The technology that was used at that time is different than the technology now, and what we are doing with this bill is making the law compatible with current technology.

What is that section of the bill that we've heard our colleagues on the other side get so upset about? It is this section, section 105(a): Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

And what the Director of National Intelligence has told us is the interpretation of current law forbids him to do that to a large extent. Now, we can spend hours on the floor explaining why, but that's the fact. He was not here trying to scare us. I am amazed that some of my friends on the other side would suggest that Admiral McConnell, with his distinguished career of service, 40 years as mentioned by the chairman of the Intelligence Committee, serving under Presidents Democrat and Republican, would be involved in scare tactics. He came to us and told us we need this because America is blinded in a significant degree by current law.

If, in the capture of this information, we do come into contact with communication that involves someone in the United States, an American citizen, we go through a process called minimization, which means we get it out of there if it has nothing to do with the evil actor. We get rid of it, as we've done for 50 years in the criminal justice system, 28 years under FISA.

But if, in fact, that individual is someone who is involved in terrorism, a reasonable suspicion that that is the case, then we get a warrant. Not only do we do that and maintain that in this bill, we beef up the minimization process, and we beef up the oversight, and we allow the FISA court to look at it and to approve it and to audit it, and in addition, we require reports to the committees of the House and the Senate.

How that is tearing up the Constitution I do not know unless you haven't read the Constitution, unless you haven't read the history of FISA, unless you haven't read the means by which we have extracted communications around the world.

All this does is bring the law up to present-day technology. It does nothing to tear up the Constitution. And please, talk about fear-mongering, to stand on this floor and say that this allows the Attorney General or anybody else in the Federal Government to listen in to any conversation you have is absolutely untrue. No one should believe that. It hasn't been done in the past. It's not being done now. This law does nothing but bring us up to present-day technology.

If you will look at the original FISA law, you will see that it specifically exempts from the definition of electronic communications these kinds of communications, but they used to be carried in a different way, and we captured them in a different way. We just want to capture them now under the technology that is currently used in the world. That's all we're doing; nothing more, nothing less.

Let's not involve ourselves in fear tactics, scare tactics on the floor and suggest to the American people something which is occurring which has not, is not, and will not and cannot be done under this bill.

Mr. REYES. Mr. Speaker, I think the American people are going to decide for themselves when they read the text of this bill.

I yield 2 minutes to the gentlelady from California, a valued member of our committee, Ms. ESHOO.

Ms. ESHOO. Mr. Speaker, I thank the chairman of the House Intelligence Committee.

In listening to my colleague from California, he talked about technology, and I think I know something about it. I represent the place, Silicon Valley, which is the home of innovation and technology for our Nation and the world, but this isn't just a matter of how. This is a matter of who, of who.

Now, for the American people that are tuned in, what is this debate about? We all know that there are sworn enemies of our country. There are those that would do us harm and do us in, and every President of the United States deserves the best intelligence. We take an oath to protect our country and also to protect our Constitution.

So where's the dispute here? The dispute is that this bill allows the Attorney General, without any legal framework, when someone from outside the country calls, our government can monitor you, and we are saying that this is an abrogation of rights that we have.

This side, what we have fought for all along is to protect our country, protect our Constitution and have a legal framework. This is the administration that had to acknowledge that they were operating outside the law. This is the Attorney General that has disgraced himself, his office and the department with how he has conducted himself. Most frankly, this should not be a matter of trust of individuals. This should be a matter of legal framework, a matter of law, and this bill does not accomplish it.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman's time has expired. The gentleman from Michigan has 9¾ minutes remaining. The gentleman from Michigan has 15.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to a valued member of the committee, Mr. ISSA of California.

(Mr. ISSA asked and was given permission to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, I want to lower the tone and the rhetoric for just a moment and in 2 minutes give the American people and the body here the opportunity to reflect on what we're really doing here tonight.

Mr. Speaker, I travel throughout the Arab world regularly. People in that area of the world are more afraid of Islamic terrorism than any American here tonight. They count on us to be their eyes and ears. Most of those countries do not have the resources we have.

So when they hear tonight that we don't want a foreign terrorist who calls into a cell in the U.S. to be listened to, they're shocked. They're shocked that we wouldn't at least listen to the foreign side of the operation or see the e-mail, and if the President doesn't sign this by tomorrow, there will be plenty of terrorists who will take note of this because they didn't think, in fact, we weren't able to listen to foreign callers who are calling in to their terrorist cells.

Mr. Speaker, oddly enough, September 11 is a story of exactly this, that we were not listening to Osama bin Laden. We were not monitoring Osama bin Laden's instructions to his cells as they went back and forth into the U.S. and even into my home of San Diego.

Mr. Speaker, what's amazing to me here tonight is that we're arguing as though we're changing the Constitution arbitrarily. Mr. Speaker, what

we're doing is passing a stopgap 6-month, I repeat, 6-month bill. This thing sunsets in 6 months. One of those months, everybody here will be out on vacation or in their districts doing town hall meetings.

The fact is that only 5 months will remain when we come back from the August recess to work further on refinements on a lasting bill.

So, Mr. Speaker, I would close by saying, if people would understand, that really what we're doing is we're simply buying the ability to leave town and letting our allies and the American people know that they can sleep safely tonight. I urge you to take this compromise bipartisan bill.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute to continue the discussion raised by the gentleman from California (Mr. DANIEL E. LUNGREN) because he doesn't think that we're having constitutional problems that are legitimate over here.

Now, he's been on both committees, so he knows that the FISA experts call reverse targeting the ability of the Attorney General to conduct surveillance on every American's calls with people abroad, with or without probable cause or warrant just by characterizing the surveillance as concerning persons abroad. He can claim that the target is abroad, but the real target is an American citizen in New York who is on the line, and this is called reverse targeting.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, simply just to answer this distinguished chairman and friend and distinguished colleague from Michigan, reverse targeting is not in this bill. It is not in this bill.

When I was a young FBI agent, this whole thing started a lot differently. We had to target the phone. We didn't target the individual. We targeted the phone. So we had to develop a probable cause case on the phone that an individual was using, that phone, that bit of copper wire, to further a criminal enterprise and have criminal discussions. Think about how long ago that was and how the world has changed. And the big thing for us, by the way, was to get a pay phone, where they would change pay phones because they were trying to outsmart us. They'd go to one pay phone and go to the other one, and if we didn't have a warrant on that other pay phone, couldn't listen to them even though we knew what the heck they were doing on that phone. We had to go back to the court, develop probable cause on that particular phone. You can see how technology even then started to get ahead of us a little bit.

Then we realized in America we got really smart and we said, hey, wait a minute, it's not the phone that's the criminal. It's the bad guy. Let's target the bad guy. So, if he goes to phone A or phone B or phone C, it shouldn't matter. We know that he's the bad guy using those instruments to further their criminal enterprise.

That's what we did, and we all did, and you did that. When I was an agent, you passed those laws and they were good. They were good laws and they helped us keep abreast of technology and changes and changing in criminal activity.

Think about today, prepaid phones. If I'm a terrorist, I buy a thousand of them. I don't ever use the same phone again. It means we have to be that much better.

And what this bill does, what the bill yesterday did not do, is make it technology neutral. Everyone got up last night and said this is about foreign-to-foreign. We don't care about that, but the bill and the language as it was written did, and it put technology in there. So now you had some FBI agent trying to figure out how do I catch this guy, because not that I don't know he's a bad guy and I can prove it to the judge, but because of the kind of technology he's using.

It took us right back into the 1970s and 1980s when we had to scratch our head and we came to Congress and said don't do that to us.

Yesterday, you're saying we're going to do it to you again, and it's wrong. And I guess I'm so disappointed. I know you hate the Attorney General and I know you hate the President of the United States, but don't you love soldiers? Don't you love people who are risking their lives to catch terrorists? Of course you do, and I know you do.

□ 2115

This bill helps us protect them so they can protect us. Right now there are billions, and I mean billions of conversations and communications every single day, and I mean billions. There is nothing in this bill that circumvents a United States citizen's right to the fourth amendment protections, nothing, nothing. It protects them.

What we are trying to say is, let us, let the intelligence community go overseas.

May I have an additional 30 seconds?

This bill is an important step to protect us to bring technology to the point where we don't make agents and officers worry about foreign-to-foreign communications between terrorists we ought to be listening to. The court should not be involved. America believes it. I know my colleagues believe it too.

Pass this bill.

The SPEAKER pro tempore. The Chair assumed that the gentleman yielded an additional 30 seconds.

Mr. HOEKSTRA. No, I did not yield an additional 30 seconds.

The SPEAKER pro tempore. The Chair is corrected.

Mr. HOEKSTRA. The gentleman appreciates the generosity of the Chair.

Mr. REYES. Mr. Speaker, don't worry, they snooker us all the time.

Mr. Speaker, it's now my privilege to yield to the distinguished chairman of the Judiciary Committee 1½ minutes.

Mr. CONYERS. Let me assure the gentleman from Michigan (Mr. ROGERS), and everyone in the House, that I do not hate the Attorney General, and I do not hate the President of the United States. I disagree strongly with what they are doing and doing to the Constitution, but I do not hate them. I just want the RECORD to show that.

I am offended by the gentleman suggesting this on the floor of the House.

Secondly, I was advised by my friend from California that reverse targeting isn't in the bill, so we don't have to worry about it. Well, of course it isn't in the bill. If they did that, you would be over here arguing the same thing I am.

But what is in the bill at section 105(a) is, nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

There is your reverse targeting that is in this bill. They didn't name it that way, but I think we can read the English language sufficiently.

I thank the gentleman.

Mr. HOEKSTRA. Mr. Speaker, I am not sure if it is in order, but I would like to ask unanimous consent, recognizing the generosity of the Chair to this side, that my colleague from the State of Michigan also be given an additional 30 seconds.

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

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. I rise in perhaps reluctant support of the measure tonight. I rise reluctantly because I supported a lot of the Democrat proposal yesterday, save one piece. I didn't believe that FISA should be inserted where it hasn't been inserted already, but I do believe FISA should govern foreign surveillance when it comes in contact with an American.

I am troubled that this legislation does not have language which would allow the Inspector General to actually report to Congress. That's how we learned that there were abuses going on in the national security letter division or department. But I am convinced by the testimony that I have heard, the briefings that I have gone to, that we do need to move forward.

I see this as an interim measure and hope to come back in 180 days and put in additional protections. But in the meantime, feel that we do need to move forward and we need the make sure that we are catching the intelligence that we need to.

Mr. REYES. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this is not the United Nations of Alberto

Gonzales, it is the United States of America.

In America, we do not allow Alberto Gonzales to listen to our phone conversations while we are sitting in our living room talking to our daughter anywhere in the world without judicial review, and that's what this bill does.

In America, we do not allow Alberto Gonzales to intercept our e-mail conversations to our business partners anywhere in the world without some kind of judicial review. In America, we have that concept because we understand people who can make mistakes.

I base my principle on fundamental tenet that the Americans trust the United States Constitution more than they trust Alberto Gonzales. What Benjamin Franklin said still holds true, those who would give up essential liberty to purchase a little temporary safety deserve neither liberty and safety. He was right then. He is right now.

Don't pass this bill. Come back and have something that allows surveillance with protections from our judicial system.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. I remember after 9/11 how there was a lot of finger pointing as to who made mistakes and who caused it, where was the intelligence community, where were our defenses?

Isn't that what this is all about, trying to put in place mechanisms to ensure and to allow our intelligence community to stop another attack? Isn't this what it's all about to protect the American people and not to have so many police officers and firefighters rush into a burning and collapsing building?

Just remember one thing. On 9/11, aside from a tragedy that occurred that day, about 3,000 kids lost a parent, 450 kids on Staten Island alone. Just think of how many missed birthdays there are, missed weddings, missed graduations, 3,000 kids lost a parent because of what happened on that day.

Shouldn't we be standing united to ensure that not one more kid in this country loses their parents because some terrorist wants to blow up a building in this country? Shouldn't we err on the side of giving our folks the power to stop that?

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to Mr. SCOTT of Virginia, the chairman of the Crime, Terrorism, an Homeland Security Subcommittee on Judiciary.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, last night we considered a bill that the Director of National Intelligence said provided everything we needed. We didn't pass that bill, and here we are today.

This bill, unfortunately, does more than what's needed. It really lets the Director of National Intelligence and the Attorney General to kind of use their imagination to decide when surveillance is appropriate without any meaningful review.

This bill will allow warrantless collection of personal data, e-mails, Internet usage, and allows the Attorney General and the Director of National Intelligence to do data mining, Internet usage monitoring, reading e-mails or otherwise acquiring information on every American, even domestic communications, as long as they determine that the surveillance is gathering foreign intelligence, that's not terrorism information, that's anything involving diplomacy, concerning someone abroad, not someone who is abroad. It could be a conversation, if the conversation concerns someone abroad. It's helpful just to read the language of the bill.

Section 105(b)(a), notwithstanding any other law, the Director of National Intelligence and the Attorney General may, for periods of up to 1 year, authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and Attorney General determine, based on information, so on and so forth, that, among other things, that the information that they are gathering is that a significant purpose is the acquisition of foreign intelligence, doesn't even have to be the main purpose, just a significant purpose.

There is no meaningful oversight. They just have to determine that and put it in writing. Then they can listen in.

In terms of the reverse targeting, the language that the gentleman used makes it clear that if they are talking to somebody outside, they can listen to someone domestically.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to a valued member of the committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, just briefly to the gentleman from Virginia's point, the very next section on that page says this does not include electronic surveillance.

The operative part of this bill is a short paragraph which essentially brings up the checks and balances that were originally in the 1978 FISA and brings it up to 2007 technology. That is what's going on here.

Now, there are some people who do not agree with the checks and balances that were in the 1978 FISA. Some people think it went too far one way, some people think it went too far another way.

This bill does not touch that. What it does is it just brings up those same checks and balances with the way we communicate today, and the way that technology has changed.

Mr. Speaker, I think it's important to emphasize what's going on here. Information is the critical element, which allows us to defend the country, which allows troops to operate in the field, which allows Homeland Security folks of all sorts to defend us against terrorism.

We are not collecting, today, the information we were able to collect a short while ago. Most of us would agree, not all of us, but most of us would agree it's information we should be collecting from foreign targets in foreign countries. The heart of the problem is a law that has not kept up with technology.

Now, there have been efforts for many months in this Chamber to try to update that law. Last September, the gentlelady from New Mexico (Mrs. WILSON) had a bill which passed this House, which was a comprehensive bill, more than 40 pages, that tried to fix this law.

Unfortunately, that did not get signed into law and the chairman of Intelligence Committee says that we are going to get back to that more comprehensive view. But while we are waiting for that, the danger persists, and the danger grows.

Now we have a very small bill, just a few pages, that tries to close the gap between the intelligence we need to keep us safe and the intelligence we are getting. It doesn't do everything, it doesn't do nearly as much as I would like to do, but it does close the gap at a critical time.

It's important, even with that limited bill, it's important to get the details right. That's why, for all of the talk we have heard about what the Director of National Intelligence has or has not said, the only thing we have in writing is the bill we considered last night did not enable him to do his job, but he says this bill will.

Mr. Speaker, I wish passing this bill would guarantee we will not suffer another terrorist attack. It won't, but it will provide a significant step towards getting the information we need and the information that the troops in the field need. It's worth passing tonight.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the former speaker indicated that I didn't read the whole section where he said that acquisition does not constitute electronic surveillance. That's true, it doesn't include wiretap, but it does include searches, e-mail review, all kinds of data mining so long as it's not electronic surveillance.

This is overly broad. It can happen in the United States so long as it concerns someone we reasonably believe to be outside of the United States. It doesn't even have to be the primary purpose of the search. It can be a significant purpose of the search.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the former ranking member of the Intelligence Committee, Ms. HARMAN.

Ms. HARMAN. I thank the gentleman for yielding and commend him for his steadfast protection of civil liberties in this country.

Mr. Speaker, in June, I received the CIA Seal Medal, the Agency's highest

civilian award. As one who lives and breathes security issues, this was a tremendous honor which I share with the courageous women and men of the intelligence community, serving in unaccompanied posts in austere locations around the world.

I have visited them and thank them again for their bravery and selfless patriotism. Why do I mention this? Because the issue before us is fundamental to our efforts to track terrorists and to ensure that our freedoms and liberties are protected in the process.

□ 2130

Only a handful of us in this House are fully briefed on the Terrorist Surveillance Program, a program which gives those who implement it incredible tools to find people who would harm us or to engage in unprecedented violations of Americans' constitutional rights for improper, ideological, or political purposes.

Mr. Speaker, the Senate-passed bill punts on the need for a clear legal framework, to check and balance unfettered executive power. In my view, we are drilling down to bedrock principle here, and sadly we in this House appear poised to repeat the Senate's mistake.

We can track terrorist communications, and we must, but we must do this without starting down the slippery slope to potential unprecedented abuse of innocent Americans' privacy. This is our challenge, and work starts today on building the bipartisan support necessary to do a crucial course correction by the time this bill sunsets.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentlelady from New Mexico, who has been a champion on this issue and leading the effort to get us to where we are tonight, Mrs. WILSON.

Mrs. WILSON of New Mexico. Mr. Speaker, I think it is important for people to understand why we are here tonight. In April of this year, the Director of National Intelligence, Admiral Mike McConnell, came to the Congress and said, we have a problem, and the only thing that can fix that problem is legislation. We have an intelligence gap. There are things that we should be listening to that we are missing. Over the intervening months, we came to discover that the gap was larger than any of us suspected.

FISA, the Foreign Intelligence Surveillance Act, is frozen in time in 1978. While it has been updated since then in some respects, the basic structure of treating wire communications differently than over-the-air communications is still there. In 1978, the phone was on the wall in the kitchen, and blackberries grew on bushes. Technology has changed, and we have not kept pace by changing the law.

FISA was never intended to acquire warrants for foreigners in foreign countries just because the point of access was in the United States. And FISA court judges have told us and expressed frustration that they are spending so much of their time dealing with foreigners in foreign countries. We need to update this law.

The bill before us would continue to require warrants on people in the United States. Let me say that again. The bill before us would continue to require warrants on people in the United States. It would stop requiring warrants on people reasonably believed to be outside of the United States.

That is the problem.

There are procedures in the bill that must be reviewed by the FISA court for compliance with the law and reasonableness. It has a 180-sunset, which puts the obligation on us as a Congress to review the implementation of this law, to learn from that experience, to see if it works, and to monitor implementation.

Now, we do not all agree in this House. That is very natural for our self-governing Republic. But on the floor tonight and yesterday, there are some Members who have questioned the integrity and the independence of the Director of National Intelligence. He is a retired admiral of 40 years' service who has come back to take a job, at a considerable pay cut probably, to serve his country. And while it may not violate the rules of the House to question his integrity and his independence, those words do bring discredit to this House.

The bill we have before us tonight got 60 votes in the United States Senate, 16 from Democrats. The Director of National Intelligence has told us that it will close the gap that must be closed to give our intelligence community the tools they need to keep us safe. I would ask my colleagues to support it.

Mr. REYES. Mr. Speaker, I now yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, this past week the Director of National Intelligence came before the Congress and told us that there was an important gap in our Nation's intelligence capabilities. So we responded swiftly, by crafting legislation tailored to concerns outlined by Director McConnell. We did what the Director of National Intelligence asked us to do: we drafted legislation that protected America.

But we also did one thing that the administration did not ask us to do: we protected the Constitution; we protected civil liberties. Because we believe that you can both protect the Nation and the liberties upon which it was founded.

Regrettably, that is not the legislation that is before you today. This bill undermines longstanding protections for the civil liberties of Americans. It sweeps aside constitutional norms that have governed the relationship between the people and the government since its founding. It puts all domestic spying power back in the hands of Alberto Gonzales. Now, that ought to scare everybody. It scares me. It makes FISA a rubber stamp for the Attorney General, and it fails to provide for adequate oversight of the activities that it authorizes.

I urge my colleagues to vote against the Senate bill that is before us tonight so that we can once again bring up the House bill that strikes a balance between protecting America from terrorists and preserving our civil liberties.

Mr. HOEKSTRA. Mr. Speaker, may I inquire as to how much time is left for each of the three Members.

The SPEAKER pro tempore. The gentleman from Michigan has 1¾ minutes; Mr. CONYERS from Michigan has 5¼ minutes; Mr. REYES has 3¼ minutes.

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

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the gentleman from North Carolina (Mr. WATT), a distinguished member of the Judiciary, for 1 minute.

Mr. WATT. Mr. Speaker, in North Carolina at 9:35 on a Saturday night, I doubt that there are any people who are worried about what this Congress is doing to their constitutional rights, and probably that is so for people throughout America. I doubt that many of them understand what a FISA court is. But what they do understand is they don't want to entrust their constitutional rights to the Attorney General Alberto Gonzales. They don't trust him, and rightfully so.

So when Mr. ISSA says that we worry about what the terrorists might be thinking tomorrow, I worry about what they might be thinking tonight, because they must be thinking: You know, we might have won the battle, because we have the United States reacting and giving up its constitutional rights.

Vote against this bill.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to a member of our committee, the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. This bill is an offense to the Constitution that we are sworn to protect. Let me tell you what we are voting on tonight.

If we pass this bill, we are voting for the warrantless, that means no court order, warrantless surveillance of our phone calls, a warrantless collection of personal data, e-mails, and Internet usage, the evisceration of the power of the Foreign Intelligence Surveillance court, and making it little more than a rubber stamp for Alberto Gonzales. Are these the principles our Nation was built on?

Our Founding Fathers knew better.

John Adams: ''A Constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever.''

We have Thomas Jefferson: ''I would rather be exposed to the inconveniences attending too much liberty than

to those attending too small a degree of it.''

And, finally, Ben Franklin: ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

We can have liberty and safety. The House Democrats offered that plan. We should heed the word of our Founding Fathers and reject this legislation.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, we are pleased to yield to the gentleman from Tennessee, Mr. STEVE COHEN, 1 minute.

Mr. COHEN. Mr. Speaker, I think it has well been addressed here the dangers that this side of the aisle and possibly some well-meaning folks on the other side of the aisle have about the encroachment on the Constitution that this bill will have. What it basically does is take judges out of the process. When we fear judges, we have got a real problem in this country, and from a court that routinely approves all requests made of it, the FISA court.

On our walls enshrined forever are the words of Judge Lewis Brandeis in 1928. Judge Brandeis said: ''The greatest danger to liberty lurks in insidious encroachment by men of zeal, well-meaning, but without understanding.''

The greatest danger to liberty lurks in insidious encroachment by men of zeal, well-meaning, without understanding. I am afraid in Attorney General Gonzales we have somebody without understanding and maybe not even well-meaning. And the problem is, he should resign, because he is jeopardizing the security of this country, because the people of this country and most of the Members of this Congress don't trust him with additional powers. He should resign.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the distinguished gentleman from Minnesota, KEITH ELLISON, 1 minute.

Mr. ELLISON. Mr. Speaker, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Mr. Speaker, I remind us of those words in our Constitution tonight, because I believe that this Senate bill has forgotten about them. I remind us of these words because, as I consider this bill before us today, the administration, this legislation would allow the NSA warrantless access virtually to all international communications of Americans with anyone outside the U.S., including Americans, as long as the government declared that the surveillance was directed at people which includes foreigners or citizens reasonably believed to be located outside the U.S., a definition which covers literally billions of people.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I now yield 1¼ minutes to the gentleman from Pennsylvania who serves on the Armed Services Committee, Mr. SESTAK.

Mr. SESTAK. Mr. Speaker, through my 31 years in the military, I came to understand throughout this world how much we are respected for the power of our military, for the power of our economy, and admired for the power of our ideals.

After I became head of the Navy's antiterrorism unit after 9/11, I came to truly understand the value of data mining facilitated by eavesdropping properly done. But I relearned the lesson I had learned at the White House as Director of Defense Policy, as intelligence officers came forward to the President, that seldom does one need a one-armed intelligence officer. In their gray world, it is often on the one hand, but on the other hand. Therefore, you often press for more intelligence. When I went into Afghanistan with the CIA and we had millions of dollars to buy loyalty on that ground, we wanted all the intelligence. But I know the FISA system, and that is giving to them the ability to give it.

What we did is we met with my colleague from the Navy, Admiral McConnell. We facilitated the ease by which we could do this. The bill we voted on last night is the right bill. It gives the proper balance. It gives the ability to the President to come and do his intelligence seeking, even coming later if he must, to the FISA court.

My concern is what Benjamin Franklin said: Those who give up liberty for the sake of security deserve neither liberty nor security.

□ 2145

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to my colleague, Mr. TIAHRT.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Michigan for yielding.

This bill is a good bill and it is needed to fill the gap.

I have heard a lot of hate for Attorney General Gonzales and the President tonight, but legislation should not be written based on one individual or two individuals.

In 1995 the Republican majority didn't pass legislation because Attorney General Janet Reno took credit for the fiasco in Waco when more than 20 children were burned to death. We didn't write legislation because government agents shot to death a woman holding her child in Ruby Ridge, Idaho. Instead, we went ahead and did the right thing. And tonight, Attorney General Gonzales shouldn't have anything to do with the legislation we are going to pass because the leaks and the lawsuits that have occurred from liberal Democrats have placed this country in jeopardy.

Do you realize we don't listen to the terrorist calls like we used to, we don't listen to e-mails or follow e-mails like we used to, we don't follow terrorist finances like we used to because of these leaks and lawsuits from liberal Democrats. But this legislation tonight will pass and it will fill the gap.

If you don't pass this legislation, you will be responsible for any attacks that could occur on America.

The SPEAKER pro tempore (Mr. PASTOR). The Chair would advise Members that the gentleman from Michigan (Mr. HOEKSTRA) has 45 seconds remaining, the gentleman from Texas (Mr. REYES) has 45 seconds remaining, and the gentleman from Michigan has 2¼ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. REYES. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, we teach American children that we ought to protect both our safety and our privacy with equal vigor, and tonight we fail these children and we fail future generations.

The Senate bill before us empowers the Attorney General to authorize surveillance. It empowers the Attorney General to develop the regulations guiding that surveillance. It empowers the Attorney General to audit the compliance with his own guidelines. This bill makes Albert Gonzales the sheriff, the judge, and the jury.

Americans expect accountability, that their private lives remain private, and that their government is one they need not fear.

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

Mr. CONYERS. Mr. Speaker, it is with great pleasure that I yield 1 minute to the majority leader of the House, STENY HOYER of Maryland.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding.

I want to thank the chairman of the Judiciary Committee, one of our most senior Members and a gentleman who is deeply committed to civil liberties and the protections being accorded that our Constitution guarantees to every citizen.

I also want to thank Mr. REYES, the chairman of the Intelligence Committee, an individual who has been involved in law enforcement all of his life before coming to the Congress of the United States, who understands the necessity for constraints on those in power.

We all understand as well the threat that confronts us from terrorism. And every Member of this body, without exception, wants to assure the safety and security of our homeland and of our people. Every Member of this body wants to assure that we have given to those in charge of protecting this country the tools necessary to accomplish that objective.

Our Founding Fathers were convinced that if we worked hard at it and cooperatively, that we could accomplish both of those objectives.

I want to congratulate Mr. REYES and Mr. CONYERS for working hard at

this. I participated myself, as I have said the other day when we passed another bill, to accomplish what I believed was much better as far as both objectives.

I believe that every Member in this House wants to protect America. Each of us will exercise our judgment when this vote comes on whether or not this bill is supportable given what I think is the failure to pay attention, as it should have, to the constitutional protections while focusing on the protections against terrorism and against those who would harm and undermine the interests of our country. I regret that.

I spent time talking to Admiral McConnell. ROY BLUNT, my friend, and I spent time talking to Admiral McConnell. We spent time reviewing the legislation. I believe that we could reach agreement. I will tell my friends here that I think if we had been dealing with Admiral McConnell, that we would have reached agreement. It became evident, however, that that was not the case. I say that candidly and disappointedly. It became obvious that we were dealing with the administration. There are many of us in this House who believe the administration has focused on the security interests, unfortunately to the exclusion too often of the constitutional requirements.

I will be voting against this legislation, not because I don't want to give the tools to our security apparatus that I think they need, that I want them to have, that I think the American people expect us to make sure they have, but because I believe we have not reached the balance that our Founding Fathers expected.

Now, there would be some on my side and many on the other side who will vote for this legislation. From my perspective, however, we have much work that remains to be done. Mr. REYES, Mr. CONYERS, and Mr. HOEKSTRA will be working very hard during the coming days to fashion permanent legislation.

This legislation is for 6 months. And my plea to each one of us on this floor and to the administration is to work together to ensure that we protect both the American public from terrorists and, as our Founding Fathers expected our Constitution to do and as conservatives have always focused attention on, protecting our people from the excesses and abuse of those to whom we give power in this country. Because we have done that through the decades and centuries, our country is unique and respected for that protection of liberty and freedom.

So I urge my colleagues, whatever the outcome on this floor tonight, as we proceed over the next few months, let us work together as Americans committed to both of those objectives.

Mr. HOEKSTRA. Mr. Speaker, I submit for the RECORD a statement by the Director of National Intelligence, Mr. Mike McConnell, of August 3.

I look forward to working with my colleagues on crafting permanent legislation.

STATEMENT BY THE DIRECTOR OF NATIONAL INTELLIGENCE, MR. MIKE MCCONNELL

I have reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence Surveillance Act. The House proposal is unacceptable, and I strongly oppose it.

The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment.

I urge Members of Congress to support the legislation I provided last evening to modify FISA and to equip our Intelligence Community with the tools we need to protect our Nation.

Mr. Speaker, I yield the balance of my time to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker and my colleagues, we live in a dangerous world. If you have read the National Intelligence Report or if you have read reports of it, you understand the growth of al Qaeda not only in the Middle East but around the world. You have read about other organizations in other parts of the world, radical jihadist movements aimed at killing Americans and our allies both here and abroad.

Our intelligence capabilities are the first line in our defense of providing safety and security to the American people and information to our troops around the world who are out there on the front lines being the beacons of hope and opportunity for those who live in very oppressed areas of the world.

Today all of us know that we have a gap in our intelligence-gathering operations. I believe that the bill we defeated last night was the right move on behalf of the House because it would not have provided our intelligence agencies the tools they needed to protect the American people and to provide the information to help protect our troops and to give them the information they need to win the war against terrorists.

I believe that the bill, crafted by our colleagues in the Senate in a bipartisan way, that we are dealing with here tonight does, in fact, give our intelligence agencies the tools they need to help keep Americans safe, to help provide the tools for our men and women around the world as they are out there doing their job to protect the American people and to win the war against terrorism.

We all know there is an increased threat of terrorism here in our country. We all know that we are expected to be more vigilant. Why should we tie the hands of our intelligence-gathering capability at a time when we are facing an increasing threat?

I believe that the bill we have here before us does give our agencies the tools they need. This bill is only for 6 months. Six months. We have a lot of work to do to modernize the underlying bill in order to put in place a system that allows us to collect the information we need while protecting the rights of the American people.

We are dealing with the right bill tonight. It deserves the support of all of our Members, and I would urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to a distinguished member of our Judiciary Committee, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, 2½ years ago, this body, during another congressional recess, debated and passed a bill that dealt with the right to privacy: the Terri Schiavo legislation. The Republican Congress shredded the right to privacy in the Constitution then, and many Members regretted their vote because they got home and faced their constituents that were aghast at what we had done.

This bill is far worse because it treads on all Americans' civil liberties and their right to privacy. It allows warrantless wiretaps with no prior court review. It allows the government to spy on Americans without suspicion of their wrongdoing. It allows the government to force telecommunication companies to conduct the eavesdropping.

We need to adopt a wiretap program that protects our constitutional rights. Do we trust this administration with respecting the privacy of Americans and not casting the widest net possible? When do we say ''this far and no farther''?

Voting for this bill lets the terrorists win. It lets them force us to choke off our citizens' rights. Americans want us, as they have repeatedly shown, to uphold the finest example of democracy and civil liberties the world has ever known.

Don't let the terrorists win. Vote against this bill. Adopt a surveillance program that protects our citizens and our rights.

Mr. REYES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the preferable legislation we debated yesterday. Having done that, we are going to do vigorous oversight over this legislation we have debated tonight, and we are going to do our best to bring permanent legislation at the end of September.

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

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

This measure fails because it allows targeting under section 105(a). This measure fails because it contains no guidelines that are missing in 105(b).

MR. KUCINICH., Mr. Speaker, I wish to make clear my opposition to H.R. 3356, the Improving Foreign Intelligence Surveillance to Defend the Nation and the Constitution Act of 2007, and S. 1927, both of which I proudly voted against.

This legislation must be opposed because the Bush administration cannot be trusted with

any additional surveillance powers. This administration has actively violated the Foreign Intelligence Surveillance Act by engaging in surveillance of Americans without warrants. And the administration violated our Constitution by hiding this fact from Congress and the American public.

The only legislation that should come to the floor in this Congress is legislation that would limit the powers of this rogue presidency. Democrats must challenge the President and take back the power granted to Congress by the Constitution.

Instead this Congress has given into the fear tactics of the administration. Those who use fear to gain power are themselves subverting democracy. This Congress must not accept this false choice and defend Americans and their Constitution from the politics of fear.

The Democrats cannot shrink from this fight. We must demand that the President cease his attacks on our civil liberties.

For these reasons Mr. Speaker I opposed this legislation and I will oppose all future attempts by this body to pass gratuitous, fear provoking legislation that sanctions oppression against the American people.

Ms. HIRONO. Mr. Speaker, I rise in strong opposition to S. 1927. This bill represents a shocking and grave invasion of long-held constitutional rights of American citizens that—until the abuses of this administration—have been regarded as sacrosanct and inviolable. This bill codifies violating the Fourth amendment "right of the people to be secure in their person, homes, papers, and effects against unreasonable searches and seizures . . ."

S. 1927 will permit the National Security Agency (NSA) to acquire and analyze all international communications of Americans, without any meaningful judicial oversight. It will allow the NSA to gain warrantless and unchecked access to virtually all international communications of Americans with anyone outside the United States. All the government has to do is to declare that the surveillance was directed at people—which includes foreigners and citizens alike—it "reasonably believed" to be located outside the United States. It doesn't have to even target terrorists; all that the government needs to do is to determine that the purpose of the acquisition is to obtain "foreign intelligence information" outside the United States. These overly broad definitions covers millions of people—and potentially millions of U.S. citizens—and the purpose need not involve the surveillance of suspected terrorists. We are giving the government, and specifically this administration, entirely too much power.

One of the two people given extraordinary power to authorize these warrantless intrusions into our private communications is the Attorney General of the United States.

Can we be assured that this Attorney General—or any Attorney General for that matter—will have the integrity and sound judgment to faithfully carry out his or her responsibilities in a way which will inflict the least possible harm to the constitutional rights of American citizens?

Can we be assured that each Attorney General who is granted this power will have only the national security in mind, and not any political motivation in exercising his or her extraordinary power?

Mr. Speaker, we Americans don't like governments which spy on their people. This bill allows just that in our own country. I urge my colleagues to vote no on this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I stand in strong opposition to the S. 1927, the Senate FISA bill and urge all of my Democratic colleagues, who are the last remaining protectors and defenders of our Constitution and democracy, to oppose it as well.

Benjamin Franklin is quoted as having said something to the effect of, "He who would sacrifice liberty for security deserves neither."

Mr. Speaker, I would say that this bill before us purports to offer security, but what it does is it gives someone who has proven untrustworthy the ability to wiretap conversations of any one of us he deems a threat, and thus trashes the 4th amendment—something the President, Alberto Gonzales and all of us took an oath to uphold as part of our Constitution.

I want to take this opportunity, Mr. Speaker, to remind everyone that President Bush and the Attorney General have every authority needed to do surveillance of any phone conversation or wire communication between persons who they have substantive reason to suspect is involved in activities against our government and the American people. And they don't even have to get the FISA court order before in cases where time lost would put us at increased risk; they can go ahead and go to the court up to 72 hours later.

H.R. 3356, the bill we passed last night, was drafted with the input and blessing of Admiral Mike McConnell before he was advised to oppose it by his Commander in Chief. It provides the authority he said would be what is needed, without trampling the rights that you, I and every American hold dear.

I urge my colleagues to vote this measure down and bring back H.R. 3356 the bill the Director of National Intelligence says does what he, his office and our country needs. And should our Republican colleagues and the President prevail tonight, we ought to begin tonight to reverse the overly broad authority given.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today with great remorse that we are considering the legislation before us. I believe that the basic foundation of our Nation is inextricably linked between our national security and our civil liberties. Indeed, it was the very battle to secure our civil liberties that brought our Nation into being. Unfortunately, the current Attorney General and the White House continue to obfuscate the line between these links by casting inflammatory rhetoric that has little basis in truth.

And now we have bad legislation and few options. The Senate has sent this bill to us and has gone home, leaving the House in the position of considerable difficulty. The effort of the House leadership in the last six months, and in particular in the past two weeks, has been one of compromise, of negotiation, and of listening, and the legislation upon which this body voted on yesterday demonstrated that. That is why I voted in favor of its passage. The legislation today is little more than an ill-advised attempt by the Senate at a quick fix that will do nothing to protect our civil liberties and everything to give the continued opportunity of threatening American citizens' freedoms.

It is absolutely essential that the Congress deliberate extensively before reaching a final legislative conclusion on a matter of this magnitude. As with my vote on the PATRIOT Act, I do not believe that changes to the FISA Court—and allowing the surveillance activity of the Attorney General to remain untethered and unchecked—should be supported simply due to the rhetoric of a few. I have supported the investigation of the Attorney General because I believe he has failed in his duties to protect the American people from a deterioration of our basic civil liberties. For all of these reasons, I will vote against today's legislation.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot vote for this bill.

The bill is intended to provide a temporary response to the request of Admiral McConnell, Director of National Intelligence, for legislation to address what he says is a critical collection gap in our electronic surveillance capabilities.

I think Congress should take such action. That is why on August 3rd I voted for the House version of the legislation. That bill was supported by a majority of the House. However, it was considered under a procedure requiring a two-thirds vote, so our Republican colleagues, taking their lead from President Bush, were able to block it—and so now we are considering this different version, which has already passed the Senate.

Like the version I voted for earlier, this bill would make clear that no warrant or court order is required for our intelligence agencies to monitor communications between people located outside the United States, even if those communications pass through the United States or the surveillance device is located within the United States. The point of this clarification is to resolve doubts about the status of communications between foreign persons located overseas that pass through routing stations here in the United States.

I have no reservation in supporting this clarification to help resolve questions related to changes in communications technology since enactment of the Foreign Intelligence Surveillance Act, or FISA. And I think it is useful that the bill reiterates that individual warrants, based on probable cause, are required when surveillance is directed at individuals in the United States.

However, this Senate bill would go much further than the House version. It would allow interception, without warrants, of communications between someone in the United States and a foreign party suspected of involvement in "foreign intelligence" matters, which is broader and less precise than the requirement that the party be suspected in connections to a terrorist group such as al-Qaida.

I am not convinced such a sweeping grant of authority is justified, and cannot support it.

The bill does require a warrant from the special FISA court for surveillance of a U.S. resident who is the chief target of the surveillance. And the bill requires involvement of the Director of National Intelligence, as well as the Attorney General, in approving surveillance, rather than just the Attorney General alone as the Administration wanted. In that regard, it is not as troublesome as it might have been. However, again, I am not convinced that its safeguards of Americans' privacy and civil liberties are adequate.

I greatly regret that our Republican colleagues made it impossible for the House to pass a better version of this legislation. I recognize that the bill before us is not a permanent measure, but will expire in six months. Nonetheless, while I do think Congress should

act on this subject, I cannot support this bill as it stands.

Mrs. WILSON of New Mexico. Mr. Speaker, today we will pass the Senate version of a bill to modernize the Foreign Intelligence Surveillance Act (FISA). Because I have been actively involved in the crafting of this legislation and the review of the FISA law over the last two years, I feel it is important to be very clear about our legislative intent on some key points.

The legislation is intended to make clear that our intelligence agencies do not need a warrant from the Foreign Intelligence Surveillance Court to target people for electronic surveillance who are reasonably believed to be located outside of the United States.

While the law prior to these amendments does not require warrants on communications between foreigners in foreign countries, because technology has changed, it is only in rare circumstances that our agencies can tell in advance that there is no chance that a target will not call a number in America. Because they can't tell in advance that the targeted communication is not to an American and there is no "safe harbor" in the current law, they are forced to get warrants to avoid potentially committing a crime. As a result, increasingly, our intelligence agencies have been forced to get warrants on foreign targets in foreign countries. The foreign intelligence surveillance court is increasingly spending time approving warrants on people who have no privacy rights under our Constitution in the first place.

Because of recent court decisions relying on the statute, this problem has become worse. This bill was intended to not require warrants if the target is reasonably believed to be located outside the United States even if the point of the intercept or the technology used to intercept the communication is inside the United States. What matters is the location of the person who is communicating, not the location of the communications device or the interception technology.

The bill is also intended to retain very important protections of American civil liberties. If the target of a collection is a person in the United States, the government must get a warrant to intercept the content of that communication, as required by current law.

There was some concern during work on the bill about "reverse targeting". In its simplest form, this could be "targeting" a foreign number frequently called by an American so that the government could collect the content of the American's conversation. It is our intention that this "reverse targeting" would be illegal under the statute. If the intent is to collect the content of communications of a U.S. person who has an expectation of privacy, a warrant is required, even if the number targeted for that collection is a foreign number.

With this new legislation, the role of the FISA Court is limited to reviewing the new procedures for collection, not approving individual warrants or micromanaging collection. The intention is to have the Court review the process, the protections of privacy and the audits in place to determine that they are satisfactory and in compliance with the law. The Court may also issue orders to assist the Government in obtaining compliance with lawful directives to provide assistance under the bill, and review challenges to the legality of such directives.

The legislation provides for compulsion certifications for telecommunications carriers. These compulsion certifications are intended to provide the same degree of legal protection as a FISA court order.

This is a narrowly crafted change to FISA that fixes an immediate problem. The bill contains a sunset and we must review how the law is being implemented during the early months to determine what, if any, other provisions need to be changed.

There are issues we must address when we reauthorize this legislation, including how the Congress should provide immunity, including retroactive immunity, for telecommunications carriers that are parties to lawsuits based on allegations that they assisted the government.

Mr. KAGEN. Mr. Speaker, our Nation has faced many challenges in our history, and none more serious or deadly than our battle against violent extremists. Make no mistake, we must do whatever it takes to defend America and keep hostilities from our shores. We must be tough and we must be smart. We have the tough part right, and now more than ever we must be smart.

The bill now before the House asks the American people to give up our Fourth amendment rights—without firing a single shot—even when the facts reveal we already have laws to allow intelligence agencies to protect all of us.

The Senate-sponsored bills trades our Fourth amendment rights for a false promise of security. It pretends to offer our people the reassurance that the current Attorney General—a man few believe to be honorable or honest—will exercise good judgment in defending all of us.

Our Nation has lost faith in this administration's competence, and has lost faith in the ability of President Bush to understand and obey the rule of law. Having lost our faith in this President, we must not lose our constitutional rights as well. We must defend our Nation, and we can continue to do so under the rule of law.

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

All time for debate has expired.

Pursuant to the order of the House of today, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 183, not voting 23, as follows:

[Roll No. 836]

YEAS—227

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Cole (OK)
Conaway
Cooper
Costa
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NAYS—183

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Becerra
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 2220

Ms. GIFFORDS, Mr. AL GREEN of Texas and Ms. SOLIS changed their vote from ''yea'' to ''nay.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALDEN of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 187, not voting 40, as follows:

[Roll No. 837]

YEAS—205

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kind
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—40

Bachus
Baker
Becerra
Boucher
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Edwards
English (PA)
Goode
Hastert
Hayes
Hinojosa
Holden
Hulshof
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
Knollenberg
LaHood
Lantos
Murphy (CT)
Paul
Peterson (MN)
Peterson (PA)
Renzi
Rothman
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Shuster
Skelton
Tancredo
Wu
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2237

Mrs. MUSGRAVE changed her vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The Chair lays before the House a Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Friday, August 3, 2007, through Friday, August 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September

4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, August 3, 2007, through Wednesday, August 8, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3222, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3222.

□ 2240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered read the first time.

Mr. MURTHA. Mr. Chairman, the President requested $463.1 billion in total FY 2008 new budget authority for the Department of Defense and intelligence community programs that fall under the purview of the Defense Subcommittee. This is an increase of about $43.3 billion over last year's enacted level—a 10.3 percent increase in nominal terms. The lion's share of the increase over FY 2007, some 80 percent, was allocated to operation and maintenance and procurement programs. DoD's research and development program request is the same as last year's level, a decrease in real terms due to several major programs having completed their R&D phase and moved into full-fledged production.

The Committee's reported bill meets its budget authority allocation of $459.6 billion for FY 2008. This figure is a little more than $3.5 billion below the President's budget request. Nonetheless, the Committee bill provides an increase for Defense of $39.7 billion over the FY 2007 enacted level, or about 9.5 percent in nominal growth. With respect to outlays, the Committee bill is roughly $2.9 billion below the allocation.

In general, meeting the budget authority allocation required shifting funding for certain programs between the FY 2008 base budget bill and the FY 2008 war supplemental, to be considered in September. This largely affected appropriations for the Department's operation and maintenance activities. The bill recommends an overall reduction to the operation and maintenance accounts of some $5.7 billion below the request. Nonetheless, the bill fully funds home-station training, equipment maintenance, and other key military readiness programs covered in these accounts. Finally, notwithstanding a slight reduction to the military personnel pay accounts, all other major program activities, such as weapons procurement and R&D, are funded at or above the President's request.

Meeting the allocation also required deferring consideration of several high profile programs until the FY 2008 war supplemental is taken up. These include:

The Basic Allowance for Housing shortfall.

The ground forces' strategic reserve readiness and equipment rehabilitation and recapitalization.

The purchase of at least ten C–l7 cargo aircraft, $2.5 billion, and MRAP vehicles, $4 billion or more.

The purchase of additional Blackhawk MEDEVAC helicopters.

The Department's Global Train and Equip program.

The Defense Health Program "efficiency wedge" shortfall.

FUNDING STRATEGY

For some time now, the Committee has expressed considerable concern over the erosion of DoD's fiscal discipline. That erosion is reflected primarily in the Department's use of supplemental funding to cover what were once considered to be base budget costs, particularly weapons modernization and force structure costs. As such, the Committee endeavored to begin restoring traditional funding criteria to the FY 2008 Defense base bill, and will do so when considering the upcoming war supplemental. Thus, recommendations for the base bill sustain non-war-related activities and prepare for future threats by funding enduring personnel benefits, force structure initiatives, such as Army modularity and "Grow-the-Force" programs, infrastructure improvements, home-station training, and weapons modernization programs. Conversely, recommendations for the FY 2008 supplemental will be tailored to funding those programs and incremental costs that are arguably related to the war.

HIGHLIGHTS

The Committee's recommendations achieve a balance between preparing units for near-term deployments, supporting our military members and their families, and modernizing our forces to meet future threats. Highlights of the Committee's recommendations are:

Supporting Our Troops and Their Families: First and foremost, the Committee recommends robust funding for programs important to the health, well-being, and readiness of our forces. In addition, the Committee proposes several initiatives that address issues raised by troops, their families, and Department of Defense officials in testimony before the Committee and visits to military bases in the United States and overseas.

Funding of about $2.2 billion is recommended to cover the full cost of a 3.5 percent military pay raise, as approved in the House's version of the Fiscal Year 2008 National Defense Authorization bill.

Under their "grow-the-force" initiatives, the Army and Marine Corps propose to add 7,000 and 5,000 new troops, respectively. The personnel costs of these increases are fully covered in the bill, as are the associated equipping and outfitting costs. For the Army the equipping costs for these new troops amount to more than $4 billion; for the Marines the costs exceed $2 billion.

Home-stationing training, optempo, and flying-hour costs are funded at robust levels. All told, the Committee's recommendations provide for a 13 percent increase in funding for these activities over last year's level.

The military services' force structure and basing infrastructure are in a state of transition. The Army, in particular, has been forced to manage significant changes in force structure, known as Army Modularity, base closures, and a global repositioning of forces, all while meeting the demands of war. Based on detailed information provided by the Army, the Committee recommends an important new initiative to assist the service in meeting this challenge. The Committee proposes adding $1.3 billion to the Army's facilities sustainment and restoration budget request to offset the growing infrastructure costs associated with the global repositioning of its forces. These funds will be used to fix barracks, improve child care facilities, and enhance community services at Army bases throughout the United States, Europe, and Korea. Funding for each project is itemized in the Committee report, consistent with the information provided by the Army. This funding, however, will only partially cover the Army's needs. As such, the Committee will address additional infrastructure cost requirements—particularly military construction costs—during consideration of the fiscal year 2008 emergency supplemental request. Further, the Committee intends to work with all the military services to better understand and respond to their basing and infrastructure needs during this time of upheaval.

Another initiative proposed by the Committee directly responds to the needs of our military families. Total funding of $2.9 billion is recommended for the military's family advocacy programs, childcare centers, and dependent's education programs. This amount is an increase of $558 million over the Administration's request, with most of the increase allocated to DoD's family advocacy programs. This program provides counseling, education, and support to military families affected by the demands of war, and episodes of child or spouse abuse.

The Committee's recommendations continue its long tradition of supporting the Department's health programs. The Committee proposes several initiatives and additional funding

to address health care issues raised over the past year, including improving the Department's electronic medical records and fostering better coordination between DoD and the Department of Veterans Affairs, enhancing preventative medicine programs, and advancing military medical research. Also, the Committee bill fully covers the $1.9 billion shortfall in health funding created by the disapproval of DoD's proposed fee and premium increases by the House Armed Services Committee in its bill.

Protecting our forces abroad must be matched with a commitment to protect our forces and their families here at home. Thus, the Committee proposes a new initiative to enhance the security of military bases in the United States. Funding of $268 million is allocated for perimeter security force protection and related facility security improvements, an increase of $142 million over the President's budget request. These funds will be used to erect better perimeter fencing, provide more secure entry and exit controls, and improve situational awareness and response capabilities at military bases and hospitals.

Preparing for the Future: In 1796, President George Washington counseled the Nation to be, ''Taking care always to keep ourselves by suitable establishments on a respectable defensive posture.'' The Committee's recommendations abide by that counsel, providing robust funding for weapons systems purchases and research programs designed to meet future threats.

The Committee supports full funding, as requested, for key weapons procurements, including the F–22 and F–35 tactical fighter aircraft programs.

Increases above the President's request are allocated for development programs that address so-called ''asymmetric'' threats from weapons of mass destruction and cruise missiles. Additional funding of $15 million is provided to pursue cruise missile defense, $25 million for chemical and biological defense research programs, $26 million to improve fissile material detection systems, and $50 million for the Former Soviet Union Threat Reduction account to counter weapons proliferation and chemical/biological agents.

To support the Army's evolution to a larger, more lethal, and more rapidly deployable force, the Committee recommends adding funding of $1.1 billion to outfit a new, eighth Stryker brigade.

Testimony before the Committee revealed that our National Guard and Reserve forces continue to suffer from equipment shortfalls. To address this need, the Committee recommends providing an additional $925 million to purchase Guard and Reserve equipment. These additional funds will enhance these forces' ability to meet overseas deployment demands, and respond to natural disasters here at home.

Economic Stability: Fostering economic stability in DoD's weapons modernization programs has been a consistent theme of the Committee. Analyses completed in recent years about DoD's acquisition program all conclude that, without improving stability in these programs, it's quite likely that the military will not be able to achieve the numbers of weapons systems required to equip current force structure at the estimated costs. As such, the Committee is proposing a series of recommendations that would help stabilize certain programs by adding funds and/or adjusting procurement or development schedules.

The Navy's shipbuilding program has been beset by planning and resource instability for many years, resulting in ever-increasing costs to the American taxpayer. Clearly, at current production rates and price levels, the Navy will be unable to meet its force structure requirements in the future. The Committee has responded by providing funds for an additional 5 ships. To purchase these ships, the Committee recommends adding a total of $3.7 billion above the Navy's request for shipbuilding and sealift.

The success of the Department's Joint Strike Fighter (F–35) program is critical to our Nation's ability to field a modern, capable fighter aircraft fleet for decades to come. To maintain stability in this program—and limit the potential for cost increases over time—the Committee recommends an increase of $200 million for F–35 production enhancements. These funds are to be used to outfit facilities with the latest in production line equipment and workflow technology. In addition, the Committee recommends adding $480 million to continue development of an alternative engine for this aircraft, thereby ensuring a competitive base for engine production.

Accountability: The Committee's fiduciary responsibility to the American taxpayer requires holding accountable organizations, officials, and programs that have performed poorly. Moreover, wasted resources and procedural abuses ultimately come at the expense of our military men and women. The Committee focused attention on the following issues:

Fiscal discipline: For some time, the Committee has raised concerns about the challenges facing the Department's financial managers. Some argue that fiscal discipline within the Department has eroded over time, severely constraining the Department's senior officials and the Congress' program and financial oversight. Regarding this matter, the Committee proposes several important initiatives to improve DoD's fiscal discipline and Congressional oversight. These are described in an appendix to this memorandum.

Contracting Out: The Committee also has registered concern about the Department's unabated appetite for contracting out services and functions once performed by military members or DoD civilians. Though clearly necessary to offset reductions in military and civilian personnel levels that occurred over time, the Committee believes that the Department has failed to adequately manage and oversee the growth in and cost-effectiveness of contracting out. It is also clear that the majority of DoD's service contractors has performed and will continue to perform well. Yet, abuses by some organizations, coupled with DoD's lack of an effective contractor management and oversight regime, has cast a pall over the service contractor community writ large. This must be reversed. The Committee recommends strong steps to do so. These are described in an appendix to this memo.

Trouble procurement programs: Several of the Department's major weapons acquisition programs have experienced considerable cost growth and/or poor execution. For each of these programs—including the Navy's Littoral Combat Ship, the Air Force's combat search and rescue helicopter, and several unclassified and classified satellite purchases—the Committee recommends significant adjustments to the Pentagon's request.

Basic research: In testimony received by the Committee, and through information provided by the Department and third-party groups, the Committee learned that the percent of basic research funding allocated to Department and research organizations' overhead costs has grown to unwarranted levels. To reverse this trend and ensure that the Department's basic research dollars are being used for the purposes intended by Congress, the Committee recommends a general provision limiting the percentage of overhead costs that can be covered in basic research contracts.

SUMMARY OF RECOMMENDATIONS BY TITLE

Military personnel

Military personnel pay and benefits accounts are allocated a total of $105 billion, a slight decrease of $0.4 billion to the President's FY 2008 request, but an increase of $5.2 billion or 5.2 percent over the FY 2007 level.

The military personnel pay raise funded is 3.5 percent, at a cost of $2.2 billion. This rate is 0.5 percent greater than the President requested. Also, the President requests some $2.4 billion for retention bonuses and recruiting incentives. These incentives are fully funded.

The Basic Allowance for Housing, BAH, increases 4.2 percent to $15 billion, which is $1.6 billion over the projected FY 2007 enacted level. This continues to ensure no out-of-pocket expenses for service personnel and supports the privatization of housing units for military families. Any BAH shortfall anticipated at the time the Committee marks up the FY 2008 war supplemental will be covered in that bill.

Army end-strength is increased by 7,000 in the base FY 2008 budget, to a total of 489,400, or $5.7 billion over the FY 2007 enacted budget amount. The FY 2007 and 2008 supplemental requests include funding for an additional 36,000 soldiers. By the end of FY 2008, the Army projects that its total troop strength will be 525,400.

The Marine Corps end-strength is projected to grow by 5,000. This troop increase is fully funded in the base bill.

The Navy and Air Force, on the other hand, will continue to reduce their manpower levels. Navy plans to cut 12,300 in 2007; Air Force intends to reduce their force by about 5,600.

The Special Operations Command will grow to a level of about 54,250 personnel, up about 6,400 over FY 2007 levels. By FY 2013, the Command projects its end-strength to grow to about 59,000.

Operation and maintenance

The operation and maintenance accounts are funded at a total of $137.1 billion, a decrease of $5.7 billion from the request, but an increase of $9.8 billion or 7.7 percent over the FY 2007 baseline O&M enacted level.

O&M continues to be one of the fastest growing accounts. The growth in O&M can be attributed to a number of factors, to include: outsourcing, increasing age of equipment, high OPTEMPO, and diminished Pentagon budget oversight. Note that these increasing costs are in addition to costs of our military deployments to Iraq, Afghanistan, and elsewhere.

Significant reductions are made to the military services' O&M accounts, particularly the Army and Air Force, for the following reasons:

Unjustified growth over FY 2007 funding levels, beyond amounts necessary to fully fund

all training, optempo, and maintenance activities.

Excessive buildups of spare parts inventories.

Excess cash in working capital funds, beyond levels necessary to ensure cash flow.

A 5 percent ''efficiency'' reduction to the requested amounts for contracted services.

The Committee bill fully funds a 3 percent civilian pay raise, which is scheduled to take effect January 1, 2008.

Procurement and R&D

Procurement is funded at $99.6 billion, roughly the same amount as requested and an increase of $18.7 billion over last year's level. This is an increase of 23 percent, the largest percentage increase of all the major accounts in the DoD budget. R&D is funded at a total of $76.2 billion, about $1.1 billion more than requested. Of note, funding for shipbuilding totals $17.8 billion, an increase of $3.1 billion over the President's request. The increase is a function of the Committee's recommendation to add 5 ships to the 2008 request. The total number of ships to be purchased in FY 2008 is now 10.

Funding of $3.9 billion is provided to fund the purchase of 20 F–22 aircraft, as requested. Additionally, the Committee recommends $2.7 billion for the procurement of 12 F–35 Joint Strike Fighter aircraft and $2.0 billion for the procurement of 24 F/A–18E/F aircraft.

Funding for the Missile Defense Agency decreases to $8.5 billion from last year's level of $9.4 billion.

Defense health program

The Defense Health Program is funded at $23 billion, an increase of $0.4 billion above the President's request.

Major increases for this activity include: $66 million for the Wounded Warrior Assistance program; $127.5 million for peer-reviewed breast cancer research; $80 million for prostate cancer research; and, $10 million for ovarian cancer research.

HIV/AIDS research and prevention programs receive a total increase of $20 million in the Committee's recommendations.

NOTABLE GENERAL PROVISIONS

A provision is included allowing the Department of Defense general transfer authority of $3.2 billion. The Department requested transfer authority of $5 billion.

A new provision is included permitting a competitive expansion of domestic VIM/VAR steel production capacity.

A provision is retained from previous Defense Appropriations acts which prohibits the sale of F–22 fighters to foreign countries.

A provision is included appropriating $15 million for Fisher Houses.

Funds are appropriated to the joint U.S.-Israeli Arrow missile defense system in Section 8077 of the bill. Also, funds are added for a study of future Israeli missile defense requirements.

A new provision is included which prohibits the Department from initiating new programs through reprogramming requests.

Another new provision is included which establishes a separate ''major force program'' budget and program designation for DoD's space programs. This will improve the Committee's oversight of these activities.

Provisions restricting the establishment of permanent bases in Iraq and prohibiting torture a carried in the Committee bill. These are consistent with ones included in previous supplemental and base bill funding appropriations acts.

The bill includes two provisions regarding contracting out: (1) A provision restricting the payment of any award fees to contractors who fail to meet contractual requirements; and (2) a provision which fences 10 percent of all O&M funds appropriated in the bill until the Pentagon submits a report on contracting out required in the FY 2007 Iraq supplemental.

A provision was approved in full committee mark-up to identify up to $30 million for the Impact Aid program.

SELECTED WEAPONS SYSTEMS COMMITTEE RECOMMENDATIONS FOR FY 2008

($ millions)

Program	2008 Request		2008 Committee	
	(Qty.)	$$	(Qty.)	$$
Army Blackhawk helicopter	(42)	705	(42)	705
Army Apache helicopter	(36)	712	(36)	712
Armed Reconnaissance helicopter	(37)	468	.....	0
Navy MH–60R (Blackhawk var.)	(27)	998	(27)	998
Navy MH–60S (Blackhawk var.)	(18)	503	(18)	503
Navy F/IA–18 E/IF fighter a/c	(24)	2,104	(24)	2,089
Navy EA–18G a/c	(18)	1,319	(18)	1,317
Air Force C–17 airlift a/c	.....	261	.....	261
Air Force F–22 fighter a/c	(20)	3,153	(20)	3,153
Air Force C–130J cargo a/c	(9)	686	(9)	686
Navy KC–130J tanker a/c	(4)	258	(4)	254
Joint Strike Fighter (R and D)	.....	3,488	.....	4,176
Joint Strike Fighter (Procurement)	(12)	2,411	(12)	2,411
V–22 airlift a/c	(26)	2,685	(26)	2,685
Air Force Unmanned Aerial Vehicles:				
Global Hawk	(5)	514	(3)	403
Predator	(24)	278	(24)	278
Reaper	(4)	58	(4)	58
CVN–21 Aircraft Carrier	(1)	2,848	(1)	2,828
DDG–1000 Destroyer	.....	2,954	.....	2,924
Littoral Combat Ship	(3)	910	(1)	339
LPD–17 amphibious ship	(1)	1,399	(2)	3,092
Virginia Class submarine	(1)	2,499	(1)	3,087
T–AKE auxiliary ship	(1)	456	(4)	1,866
LHA(R) amphibious ship	(1)	1,377	.....	1,375
Army Future Combat System (R and D)	.....	3,563	.....	3,157
Army Stryker armored vehicle	(127)	1,039	(377)	1,913
M–I tank upgrade—MIA2 SEP	(18)	53	.....	0
Evolved Expendable Launch Vehicle	(5)	1,167	(4)	1,102
Missile warning satellites:				
Space-based Infrared satellite	.....	1,066	.....	1 ,094
Alternative Infrared Space System	.....	231	.....	76
Communications satellites:				
Transformational satellite	.....	964	.....	964
Advanced EHF	.....	604	.....	729
Wideband Gapfiller	(1)	345	(1)	345
Space-based radar	.....	0	.....	186
Global Positioning System:				
GPS III	.....	587	.....	507
GPS Extension	.....	81	.....	35
GPS User Equipment	.....	93	.....	156
Missile Defense:				
Missile Defense Agency	.....	8,796	.....	8,498
Patriot missiles and MEADS	(108)	845	(108)	845
Total	.....	9,641	.....	9,343

APPENDIX: SECTIONS IN THE COMMITTEE REPORT REGARDING FISCAL MANAGEMENT AND CONTRACTING OUT

FISCAL MANAGEMENT

For some time now, the Committee has expressed considerable concern over an erosion of DoD's fiscal discipline. That erosion is reflected primarily in the Department's use of emergency supplemental funding to cover what were once considered to be base budget costs, particularly weapons modernization and force structure costs. In this bill, the Committee has endeavored to begin restoring traditional funding criteria to these respective appropriations matters. Thus, recommendations for this fiscal year 2008 Defense Appropriations bill focus on non-incremental war costs and preparing for future threats by funding enduring personnel benefits, force structure initiatives (such as Army modularity and ''Grow-the-Force'' programs), infrastructure improvements, home-station training, and weapons modernization programs. The Committee's deliberations on the fiscal year 2008 war supplemental, however, will be tailored to funding those programs and incremental costs that are arguably related to the war efforts. Satisfying these criteria requires the shifting of funds between the base bill and supplemental requests. As such, the Committee recommends deferring consideration of certain funding requests made for the base fiscal year 2008 Defense bill to the emergency supplemental. Conversely, the Committee recommends that certain programs requested by the Administration in its fiscal year 2008 Global War on Terror emergency supplemental receive funding in this legislation.

Further, the Committee believes that seeking funding for weapons modernization programs and enduring force structure transformations in emergency supplemental requests conveniently eludes the procedural mechanisms designed to ensure that the most important priorities are resourced. There can be no doubt that the Department's financial officers have faced considerable challenges in managing both the war and base budgets. Nonetheless, a fiscal ''flabbiness'' has infected the Defense budgeting process—a situation that must be corrected. To ensure that sound budgetary and fiscal procedures are re-invigorated, the Committee recommends a general provision that requires the Department to include all funding for both non-war and war-related activities in the President's fiscal year 2009 annual Defense budget request.

PPBS. For over 40 years, the Department of Defense followed the Planning, Programming and Budgeting System (PPBS) as the process for assessing and prioritizing requirements and allocating resources. The PPBS process established long-range national security planning objectives, analyzed the costs and benefits of alternative programs that would meet those objectives, and translated programs into budget proposals. The improvements that PPBS offered over previous budgeting processes were that: (1) it emphasized objectives, focusing less on changes from the prior-year budget and more on long-term objectives, and (2) it linked planning and budgeting. PPBS instilled a process that clearly defined a procedure for distributing available resources equitably among competing programs.

Beginning in 2003, the PPBS process has been significantly altered, splintering planning into two phases and requiring that the program budget reviews occur simultaneously. The process changes were ill-conceived and have had significant and lasting adverse implications. Today, sequential steps to plan adequately or refine a plan into budget-level detail do not exist. Further, simultaneous program and budget review eliminated the inherent discipline in the process which forced resource allocation decisions to occur deliberatively, resulting in unnecessary confusion and wasted effort. The time and attention required to harmonize simultaneous program and budget review detract from the Department's ability to scrutinize fully its fiscal requirements. As a result:

the focus on program objectives has diminished;

the inextricable link between planning and budgeting has been severely damaged;

reliance on funds transfers and reprogramming within DoD have grown significantly, often correcting inadequacies that should have been identified earlier in the Department's internal review process; with the purpose being to fix holes in key programs originally created during the DoD budget review;

supplemental requests and the Department's reliance on them have grown and, increasingly resemble base budget requests; and lastly,

Congress is forced to make increasingly difficult funding decisions in the absence of a rigorous budget review by the Department.

Accordingly, the Committee recommends that the Secretary of Defense institute a process for assessing and prioritizing requirements and allocating resources which is supportive of thorough, deliberative program and budget review and more fully utilize the efforts of the dedicated and talented DoD civil servants. The Committee's recommendation includes several directions to address the budget execution process within the department, as discussed below.

Re-baselining.—Generally-accepted reprogramming procedures and those procedures outlined in the Department of Defense Financial Management Regulation require the approval of Congress prior to transferring of operation and maintenance funding in excess of $15,000,000 from those levels appropriated by Congress. However, through a ''rebaselining'' process or ''free move'', the Department has transferred excessive amounts of funds—a total of $2,500,000,000 in fiscal year 2007—without the approval of Congress. This re-baselining process, as it has evolved, vitiates Congressionally-approved resource allocations provided in annual appropriations Acts, impedes the ability of Congress to perform its oversight responsibilities, and abrogates Congressional intent. Moreover, the Committee notes that the Department has failed to comply with certain reprogramming requirements as they relate to specific subactivity groups within the operation and maintenance appropriations. These actions reflect a continuing erosion of fiscal discipline within the Department of Defense.

Accordingly, the Committee directs the Department to cease the reallocation of funds through a re-baselining procedure, and further directs the Department to comply fully with the reprogramming procedures contained in this report. The Committee remains cognizant of the need for the Department to re-align certain appropriations and commits to work with the Department to address these concerns.

Base for Reprogramming Actions.—The Committee notes that the Department was not able to provide in a timely manner the Base for Reprogramming Actions report, or DD form 1414, for the current fiscal year. This report is to be provided to the House and Senate Committees on Appropriations soon after the enactment of the annual appropriations Act to establish the baseline from which the Department is to execute its programs. The report also serves as the benchmark from which Congress and the Committee can assess all transfers and reprogrammings. However, the DD 1414 was not submitted to the Committees on Appropriations until nearly nine months after the fiscal year had commenced and after the Department has submitted over $700,000,000 in reprogramming requests requiring Congressional approval. When the report was submitted, it was incomplete, omitting each of the active services' operation and maintenance accounts. Moreover, it excluded a ''rebaselining'' or realignment in excess of $2,500,000,000 in operation and maintenance funds from activities for which they were originally appropriated. The Committee believes that such funds management is unacceptable and suggests that the Department does not execute its programs consistent with Congressional direction. Accordingly, the Committee has recommended a provision that requires the department to submit the DD 1414 within 60 days after the enactment of the Act. In addition, the provision prohibits the department from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the Committees of Appropriations of the Senate and the House of Representatives.

Items or subactivities for which funds have been specifically provided in an appropriations Act (including joint resolutions providing continuing appropriations), accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference shall be carried in the Base for Reprogramming Actions (DD form 1414), irrespective of whether or not the report uses the phrases ''only for'' or ''only to''.

New starts.—The Committee recommends a general provision that prohibits the initiation of a new start program through a reprogramming of funds unless such program must be undertaken immediately in the interest of national security and only after written notification by the Office of the Secretary of Defense and to the congressional defense committees. The use of reprogramming authorities to initiate new starts should be used seldom, and if at all, only in times of national emergency. Starting new programs through the use of reprogramming authorities in the year of execution create additional funding requirements in the ensuing budget year, and rarely does the Administration submit budget amendments to reallocate its funding requirements reflecting the new fiscal realities created by the new program starts. As such, the Committee' ability to review fully the program's cost-effectiveness and mission utility vis-à-vis other military programs is denied. The Committee notes that the fiscal year omnibus 2007 reprogramming includes new starts totaling nearly $110,000,000. The Committee is not pleased with the Department's increasing use of its the reprogramming authorities to initiate new program starts, and accordingly, directs the Department not to use reprogramming authorities provided in this Act to initiate new programs unless such programs are emergency requirements.

General transfer authority (GTA).—A provision is recommended, consistent with previous appropriations Acts, providing for the transfer of funds for higher priority items, based on unforeseen military requirements than those for which originally appropriated. This authority has been included annually to respond to unanticipated requirements that were not known at the time the budget was developed and after which time appropriations were enacted. This authority has grown significantly over the past several years, from $2,000,000,000 in fiscal years 1997 through 2001, rising precipitously in fiscal year 2005 to $6,185,000,000. In fiscal year 2007, the GTA was $4,500,000,000 and the Department has requested $5,000,000,000 in GTA for fiscal year 2008. While the waging of war certainly has increased the need for flexibility in executing the Department's resources, the Committee fears that the Department has come to rely on reprogramming and transfer authority in lieu of a thoughtful and deliberative budget formulation and fiscal management process. In an effort to restore fiscal management to the Department, while allowing for the flexibility in executing appropriations for a nation at war, the Committee recommends for fiscal year 2008 general transfer authority of $3,200,000,000.

Reprogrammings for operation and maintenance accounts.—Beginning in fiscal year 2008, the Committee imposes new accountability and reprogramming guidelines for programs, projects and activities within the Operation and Maintenance appropriations. The Committee believes that such revisions are necessary given the unique nature of activities funded within these appropriations; continuing concerns about force readiness, and recent budget execution within these accounts. The specific revisions are addressed later in this report in Title II, Operation and Maintenance.

CONTACTED SERVICES AND ACQUISITION MANAGEMENT

A year ago, the Committee expressed concern about the increasing costs of operating our military forces. To gain better insight about the factors generating an increase in operation and maintenance costs, the Committee directed, in House Report 109–504, that the GAO prepare a comprehensive analysis of contracting out services, as well as other factors that may be driving up costs. GAO found that between the years 2000 to 2005, the cost of O&M service contracts increased more than 73 percent. Over the same period, DoD civilian pay costs increased 28 percent, and total DoD pay costs went up by 34 percent. However, despite the growing and seemingly unconstrained reliance on contractors to accomplish DoD's mission, no system of accountability for contract service cost or performance has been established.

The Committee is frustrated by the lack of accountability and management of contracted services. DoD has increasingly relied on private sector contractors, rather than uniformed or DoD civilian personnel, to perform operation and maintenance-related work such as logistics, facilities maintenance, base operations support; information technology services; and administrative support. But, responsibility for acquiring services within DoD is spread among individual military commands, weapon system program offices, or functional units on military bases. This decentralized management results in little visibility at either the DoD or military department level over the totality of DoD's use of contractors to provide services. GAO recently found that DoD had reviewed proposed acquisitions accounting for less than 3 percent of the funds obligated for services in fiscal year 2005, and were in a poor position to regularly identify opportunities to leverage buying power or otherwise change existing practices.

Focused management attention.—The Committee contends that DoD is not providing sufficient management attention to improve the acquisition and management of contractor services. Tens of billions of dollars are expended for contract services each year. Management of contract services should be among DoD's top priorities. The Committee believes that the Department must improve management of contract services by instituting clear accountability mechanisms; instituting unambiguous and short chains of command to the most-senior decision makers; and improving the tracking and reporting of contract service costs, and management of contract service performance.

Increased contractor oversight.—The Committee directs the Department to provide more robust staffing of contractor management and oversight personnel. It is clear that DoD currently lacks the means to provide proper oversight of its service contracts, in part because of an insufficient number of contract oversight personnel. While the spending for contracted services has grown, the size of DoD's workforce, including its contracting and acquisition workforce, has

been decreased significantly. For example, the Defense Contract Management Agency's (DCMA) workforce has been reduced by over 50 percent between the period 2000 to 2005, making it more difficult for DCMA to provide through and meaningful oversight of the department's increasing reliance on contracted services.

The Committee recommends adding funds for additional DoD civilian personnel to provide enhanced contract-service management and oversight. Further, the Committee added funds for the temporary assignment of six-hundred General Services Administration contract specialists on a reimbursable basis. The Committee provides the following:

CONTRACT-SERVICE MANAGEMENT AND OVERSIGHT

($ in millions)

	Committee recommendation
Defense Contract Audit Agency	+12.0
Defense Contract Management Command	+17.0
Defense Inspector General	+24.0
Reimbursable GSA Assistance	+21.0

Minimum Standards for Contracted Security Service Personnel.—DoD relies heavily on contracted security, both in the theaters of operation as well as at home. The Committee is particularly concerned that the oversight and administration of contracted security services is woefully inadequate. This lack of oversight seemingly has resulted in few, if any, operational standards and rules-of-engagement to which contracted security organizations and individuals must adhere. As such, the Committee directs the Secretary of Defense to develop, no later than 90 days after the passage of this Act, uniform minimum personnel standards for all contract personnel operating under contracts, subcontracts or task orders performing work that includes private security functions. The standards, at a minimum, must include determinations about contractors using personnel with criminal histories, must determine the eligibility of all private contract personnel to possess and carry firearms, and determine what assessments of medical and mental fitness of contracted security personnel must be undertaken. The Secretary of Defense should develop a mechanism for contract accountability that specifies consequences for noncompliance with the personnel standards, including fines, denial of contractual obligations or contract rescission. Finally, the Secretary is directed to establish a clear set of rules-of-engagement for all contracted security personnel operating in the Iraq and Afghanistan theaters of operations. The Secretary shall submit the prescribed standards to the congressional defense committees once the 90-day period referenced above is completed.

Improving the Acquisition Workforce.—The Committee directs that the Undersecretary of Defense for Acquisition, Technology, and Logistics to submit, within 90 days of enactment of this Act, a report to the congressional defense committees analyzing the current acquisition workforce personnel needs and the tools to recruit and retain a workforce best positioned to provide appropriate contract management and oversight of contractor performance. The report should identify the most urgent shortages in the current acquisition workforce. The report should also recommend revisions to the Department's Strategic Human Capital Plan geared to enhancing the Department's ability to recruit and retain high performing acquisition and contracting personnel and overcome obstacles to the expedited hiring of talented acquisition professionals.

Enhancing Access to Small Business.—The Committee is concerned about the access of small businesses to Department of Defense contracting and procurement. Moreover, the committee recognizes that harvesting mature innovative technologies from the Small Business Innovative Research (SBIR) programs has resulted in cost avoidance and savings in Defense Department acquisition programs. SBIRs have been invaluable in reintroducing competition and developing better capabilities for the warfighter. For example, efforts such as open architecture technologies and improved manufacturing processes championed by small businesses should reduce acquisition costs and ensure that the military services can continue to support weapons systems once they become operational. In order to facilitate entry into the defense market by small businesses, the Committee recommends providing a total of $100,000,000 more than requested for the Department's SBIR program. These funds are allocated as follows: $25,000,000 is recommended for the Army's Future Combat System to enhance small business participation in that program; $25,000,000 is allocated to each of the Navy's surface ship and submarine research and development activities for the SBIR program; and, $25,000,000 is provided to enhance small business participation in the Joint Strike Fighter program.

Further, the Committee directs the Director of the Department of Defense Office of Small Business Contracting to submit, no later than June 1, 2008, a report to the congressional defense committees which identifies the impediments to small business owners to contracting or subcontracting with the Department, including, but not limited to, an analysis of the small business threshold size, small business contract bundling, the distribution of small business subcontracts between professional services and research and development, the transition from SBIR II programs to procurement, the impact of the Departments vendor pay system on small businesses, and the effectiveness of the mentor-protégé program. The report should identify any impediments to the successes of businesses that graduate from the small business qualifications and offer recommendations to support the transition of small businesses to middle-sized businesses.

Improvements in contract management need not take years to implement; rather, with intent leadership and executive attention, considerable efficiencies can be achieved in the near-term. Accordingly, the Committee recommendations reduce the Department's funding requests for contracted services in the O&M budgets by five percent, recognizing contract service efficiencies and savings with enhanced oversight.

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL 1/					
Military Personnel, Army	29,813,905	31,623,865	31,346,005	+1,532,100	-277,860
Military Personnel, Navy	22,776,232	23,305,233	23,300,801	+524,569	-4,432
Military Personnel, Marine Corps	9,174,714	10,278,031	10,269,914	+1,095,200	-8,117
Military Personnel, Air Force	23,564,706	24,097,354	24,379,214	+814,508	+281,860
Reserve Personnel, Army	3,364,812	3,734,620	3,629,620	+264,808	-105,000
Reserve Personnel, Navy	1,755,953	1,797,685	1,776,885	+20,932	-20,800
Reserve Personnel, Marine Corps	541,768	594,872	513,472	-28,296	-81,400
Reserve Personnel, Air Force	1,335,838	1,370,479	1,365,679	+29,841	-4,800
National Guard Personnel, Army	5,209,197	5,959,149	5,815,017	+605,820	-144,132
National Guard Personnel, Air Force	2,325,752	2,642,410	2,621,169	+295,417	-21,241
Total, title I, Military Personnel	99,862,877	105,403,698	105,017,776	+5,154,899	-385,922
TITLE II					
OPERATION AND MAINTENANCE 1/					
Operation and Maintenance, Army	24,208,355	28,924,973	26,404,495	+2,196,140	-2,520,478
Operation and Maintenance, Navy	30,954,034	33,334,690	32,851,468	+1,897,434	-483,222
Operation and Maintenance, Marine Corps	3,811,437	4,961,393	4,471,858	+660,421	-489,535
Operation and Maintenance, Air Force	30,458,947	33,655,633	31,613,981	+1,155,034	-2,041,652
Operation and Maintenance, Defense-Wide	20,035,185	22,574,278	22,343,180	+2,307,995	-231,098
Operation and Maintenance, Army Reserve	2,160,214	2,508,062	2,510,890	+350,676	+2,828
Operation and Maintenance, Navy Reserve	1,275,764	1,186,883	1,144,454	-131,310	-42,429
Operation and Maintenance, Marine Corps Reserve	209,036	208,637	207,087	-1,949	-1,550
Operation and Maintenance, Air Force Reserve	2,617,601	2,692,077	2,684,577	+66,976	-7,500
Operation and Maintenance, Army National Guard	4,711,362	5,840,209	5,893,843	+1,182,481	+53,634
Operation and Maintenance, Air National Guard	5,009,178	5,041,965	5,021,077	+11,899	-20,888
Overseas Contingency Operations Transfer Account	---	5,000	---	---	-5,000
United States Court of Appeals for the Armed Forces	11,721	11,971	11,971	+250	---
Environmental Restoration, Army	403,786	434,879	434,879	+31,093	---
Environmental Restoration, Navy	302,222	300,591	300,591	-1,631	---
Environmental Restoration, Air Force	402,396	458,428	458,428	+56,032	---
Environmental Restoration, Defense-Wide	27,885	12,751	12,751	-15,134	---
Environmental Restoration, Formerly Used Defense Sites	254,352	250,249	268,249	+13,897	+18,000
Overseas Humanitarian, Disaster, and Civic Aid	63,204	103,300	103,300	+40,096	---
Former Soviet Union Threat Reduction Account	372,128	348,048	398,048	+25,920	+50,000
Total, title II, Operation and maintenance	127,288,807	142,854,017	137,135,127	+9,846,320	-5,718,890
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	3,502,483	4,179,848	3,891,539	+389,056	-288,309
Missile Procurement, Army	1,278,967	1,645,485	2,103,102	+824,135	+457,617
Procurement of Weapons and Tracked Combat Vehicles, Army	1,906,368	3,089,998	4,077,189	+2,170,821	+987,191
Procurement of Ammunition, Army	1,719,879	2,190,576	2,215,976	+496,097	+25,400
Other Procurement, Army	7,004,914	12,647,099	11,217,945	+4,213,031	-1,429,154
Aircraft Procurement, Navy	10,393,316	12,747,767	12,470,280	+2,076,964	-277,487
Weapons Procurement, Navy	2,573,820	3,084,387	2,928,126	+354,306	-156,261
Procurement of Ammunition, Navy and Marine Corps	767,314	760,484	1,067,484	+300,170	+307,000
Shipbuilding and Conversion, Navy	10,579,125	13,656,120	15,303,820	+4,724,695	+1,647,700
Other Procurement, Navy	4,927,676	5,470,412	5,298,238	+370,562	-172,174
Procurement, Marine Corps	894,571	2,999,057	2,500,882	+1,606,311	-498,175
Aircraft Procurement, Air Force	11,643,356	12,393,270	11,690,220	+46,864	-703,050
Missile Procurement, Air Force	3,914,703	5,131,002	4,920,959	+1,006,256	-210,043
Procurement of Ammunition, Air Force	1,054,302	868,917	342,494	-711,808	-526,423
Other Procurement, Air Force	15,493,486	15,421,162	15,255,186	-238,300	-165,976
Procurement, Defense-Wide	2,903,292	3,318,834	3,335,637	+432,345	+16,803
National Guard and Reserve Equipment	290,000	---	925,000	+635,000	+925,000
Defense Production Act Purchases	63,184	18,592	64,092	+908	+45,500
Total, title III, Procurement	80,910,756	99,623,010	99,608,169	+18,697,413	-14,841

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	11,054,958	10,589,604	11,509,540	+454,582	+919,936
Research, Development, Test and Evaluation, Navy	18,673,894	17,075,536	17,718,624	-955,270	+643,088
Research, Development, Test and Evaluation, Air Force	24,516,276	26,711,940	26,163,917	+1,647,641	-548,023
Research, Development, Test and Evaluation, Defense-Wide	21,291,056	20,559,850	20,659,095	-631,961	+99,245
Operational Test and Evaluation, Defense	185,420	180,264	180,264	-5,156	---
Total, title IV, Research, Development, Test and Evaluation	75,721,604	75,117,194	76,231,440	+509,836	+1,114,246
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,345,998	1,352,746	1,352,746	+6,748	---
National Defense Sealift Fund: Ready Reserve Force	1,071,932	1,079,094	2,489,094	+1,417,162	+1,410,000
Pentagon Reservation Maintenance Revolving Fund	18,500	---	---	-18,500	---
Defense Coalition Support Fund	---	22,000	---	---	-22,000
Total, title V, Revolving and Management Funds	2,436,430	2,453,840	3,841,840	+1,405,410	+1,388,000
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program1/:					
Operation and maintenance	20,494,000	22,044,381	22,140,381	+1,646,381	+96,000
Procurement	375,000	362,261	363,011	-11,989	+750
Research and development	348,000	134,482	453,792	+105,792	+319,310
Total, Defense Health Program	21,217,000	22,541,124	22,957,184	+1,740,184	+416,060
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	1,046,290	1,198,086	1,198,086	+151,796	---
Procurement	---	36,426	36,426	+36,426	---
Research, development, test and evaluation	231,014	221,212	221,212	-9,802	---
Total, Chemical Agents 2/	1,277,304	1,455,724	1,455,724	+178,420	---
Drug Interdiction and Counter-Drug Activities, Defense	977,632	936,822	945,772	-31,860	+8,950
Joint Improvised Explosive Device Defeat Fund 2/	---	500,000	500,000	+500,000	---
Rapid Acquisition Fund 2/	---	100,000	---	---	-100,000
Office of the Inspector General 2/	216,297	215,995	239,995	+23,698	+24,000
Total, title VI, Other Department of Defense Programs	23,688,233	25,749,665	26,098,675	+2,410,442	+349,010
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	256,400	262,500	262,500	+6,100	---
Intelligence Community Management Account	621,611	705,376	683,276	+61,665	-22,100
Transfer to Department of Justice	(39,000)	(16,000)	(39,000)	---	(+23,000)
Total, title VII, Related agencies	878,011	967,876	945,776	+67,765	-22,100

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(4,500,000)	(5,000,000)	(3,200,000)	(-1,300,000)	(-1,800,000)
Indian Financing Act incentives (Sec. 8019)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8024)	-53,200	---	-57,725	-4,525	-57,725
Overseas Military Facility Invest Recovery (Sec. 8030)	1,000	1,000	1,000	---	---
Rescissions (Sec. 8041)	-870,143	---	-367,786	+502,357	-367,786
Travel Cards (Sec. 8065)	51,000	52,000	52,000	+1,000	---
Special needs students	5,500	---	---	-5,500	---
Fisher House (Sec. 8075)	2,500	---	15,000	+12,500	+15,000
Other Contract Growth	-158,100	---	---	+158,100	---
Contracted Advisory and Assistance Services	-71,000	---	---	+71,000	---
Military Recruitment Assessment & Vet Empl (Sec. 8082)	5,400	---	990	-4,410	+990
Various grants (Sec. 8084)	11,100	---	70,000	+58,900	+70,000
Travel costs	-85,000	---	---	+85,000	---
Revised Economic Assumptions (Sec.8093)	-1,034,425	---	-126,787	+907,638	-126,787
Tanker replacement transfer fund (Sec. 8102)	---	---	200,000	+200,000	+200,000
Total, Title VIII, General Provisions	-2,187,368	53,000	-205,308	+1,982,060	-258,308
TITLE IX - ADDITIONAL APPROPRIATIONS (emergency) 3/	70,000,000	140,758,029	---	-70,000,000	-140,758,029
TITLE X-FY 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS (emergency) 5/	200,000	---	---	-200,000	---
Total for the bill (net)	478,799,350	592,980,329	448,673,495	-30,125,855	-144,306,834
OTHER APPROPRIATIONS					
AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007					
Public Law 110-28:					
Title I, Chapter 3 (emergency)	87,019,295	---	---	-87,019,295	---
New transfer authority (emergency)	(3,500,000)	---	---	(-3,500,000)	---
Title III, Chapter 3 (emergency)	7,674,375	---	---	-7,674,375	---
Total, Public Law 110-28 (emergency)	94,693,670	---	---	-94,693,670	---
Total, Other Appropriations	94,693,670	---	---	-94,693,670	---
Net grand total (including other appropriations)	573,493,020	592,980,329	448,673,495	-124,819,525	-144,306,834
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)	12,000	12,000	12,000	---	---
Disposal of defense real property (permanent)	15,000	18,000	18,000	+3,000	---
Army Venture Capital Fund (reappropriation)	15,000	15,000	15,000	---	---
O&M, Army transfer to National Park Service:					
Defense function	-2,000	---	---	+2,000	---
Non-defense function	2,000	---	---	-2,000	---
O&M, Army transfer to Army Corps of Engineers:					
Defense function	-2,499	---	-12,500	-10,001	-12,500
Non-defense function	2,499	---	12,500	+10,001	+12,500
Title IX O&M, Navy transfer to Coast Guard, Op.Exp (By transfer) (emergency)	(90,000)	(225,400)	---	(-90,000)	(-225,400)
Title IX O&M, Defense-wide transfer to Department of State (By transfer) (emergency)	(20,000)	---	---	(-20,000)	---
Tricare accrual (permanent, indefinite auth.) 4/	11,230,629	10,876,000	10,876,000	-354,629	---
Less Title X FY 2006 emergency appropriations 5/	-200,000	---	---	+200,000	---
Less emergency appropriations 3/	-164,693,670	-140,758,029	---	+164,693,670	+140,758,029
Total, scorekeeping adjustments	-153,621,041	-129,837,029	10,921,000	+164,542,041	+140,758,029
Adjusted total (includ. scorekeeping adjustments)	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805
Appropriations	(420,742,122)	(463,143,300)	(459,962,281)	(+39,220,159)	(-3,181,019)
Rescissions	(-870,143)	---	(-367,786)	(+502,357)	(-367,786)

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2008 (H.R. 3222)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total (including scorekeeping adjustments)	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805
Amount in this bill	(573,493,020)	(592,980,329)	(448,673,495)	(-124,819,525)	(-144,306,834)
Scorekeeping adjustments	(-153,621,041)	(-129,837,029)	(10,921,000)	(+164,542,041)	(+140,758,029)
Total mandatory and discretionary	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805
Mandatory	256,400	262,500	262,500	+6,100	---
Discretionary	419,615,579	462,880,800	459,331,995	+39,716,416	-3,548,805
RECAPITULATION					
Title I - Military Personnel	99,862,877	105,403,698	105,017,776	+5,154,899	-385,922
Title II - Operation and Maintenance	127,288,807	142,854,017	137,135,127	+9,846,320	-5,718,890
Title III - Procurement	80,910,756	99,623,010	99,608,169	+18,697,413	-14,841
Title IV - Research, Development, Test and Evaluation	75,721,604	75,117,194	76,231,440	+509,836	+1,114,246
Title V - Revolving and Management Funds	2,436,430	2,453,840	3,841,840	+1,405,410	+1,388,000
Title VI - Other Department of Defense Programs	23,688,233	25,749,665	26,098,675	+2,410,442	+349,010
Title VII - Related Agencies	878,011	967,876	945,776	+67,765	-22,100
Title VIII - General Provisions (net)	-2,187,368	53,000	-205,308	+1,982,060	-258,308
Title IX - Additional Appropriations (net)	70,000,000	140,758,029	---	-70,000,000	-140,758,029
Title X - Wildland Fire Management (net)	200,000	---	---	-200,000	---
Total, Department of Defense	478,799,350	592,980,329	448,673,495	-30,125,855	-144,306,834
Other defense appropriations	94,693,670	---	---	-94,693,670	---
Total funding available (net)	573,493,020	592,980,329	448,673,495	-124,819,525	-144,306,834
Scorekeeping adjustments	-153,621,041	-129,837,029	10,921,000	+164,542,041	+140,758,029
Total mandatory and discretionary	419,871,979	463,143,300	459,594,495	+39,722,516	-3,548,805

FOOTNOTES:
1/ For FY 2007, includes H.J.Res.20 appropriations.
2/ Included in Budget under Procurement title.
3/ House will consider Title IX budget request in a separate bill. Appropriations also include Title IX contingency operations funds
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
5/ Pursuant to Sec. 501 of H.Con.Res.376 (H.Res.818) and Sec. 402 of S.Con.Res.83 (Sec. 7035/P.L.109-234).

Mr. YOUNG of Florida. Mr. Chairman, earlier this week the Appropriations Committee filed the fiscal year 2008 Defense Appropriations bill and report. There were no minority views on this bill, because it is broadly supported by both Democrats and Republicans in its current form.

The bill totals over $459 billion, and is $3.5 billion below the President's request. However, it is $40 billion above the fiscal year 2007 level.

The fiscal year 2008 war supplemental request of $147 billion is not included in this bill. That package will be marked up and brought to the floor in September. At that time we will also be addressing the President's new request of $5.3 billion for additional MRAP vehicles for use in Iraq and Afghanistan.

I strongly support this bill as reported. It provides for a number of Presidential and Congressional priorities, including: $6 billion in equipment to grow the Army and Marines; Restoration of the $1.9 billion cut in the Defense Health program associated with proposed increases in insurance co-payments that have not been authorized by Congress; An additional $925 million in equipment for the National Guard and Reserve which is important for disaster response throughout the country, including the Gulf Coast; Full funding for the Congressionally I proposed 3.5 percent pay increase for the military; $4.1 billion for continued development of the Joint Strike Fighter and $3.1 billion to procure 20 F–22 aircraft; Procurement of nine ships for the Navy, including initial funding for the next generation aircraft carrier; and $1.1 billion to outfit a new Stryker brigade, either for the National Guard or the active Army.

To summarize, unlike many bills we're dealing with this week, I can state that this bill has broad bipartisan support.

I appreciate the cooperation and courtesy shown by my chairman, Mr. MURTHA, throughout this process. We keep trading places as chairman of this subcommittee; perhaps in the next Congress we'll trade places again. Whatever happens, I know we will continue the bipartisan partnership that has been the hallmark of this subcommittee.

I also want to thank the members of the Defense subcommittee for their contributions to this bill, especially those on the Republican side of the aisle. Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, and the ranking member of the full committee, Mr. LEWIS, all made important contributions to this legislation.

Mr. Chairman, again I want to say that I strongly support this bill, and urge its adoption by the House.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise in support of H.R. 3222, the ''Defense Appropriations Act of 2008.'' I commend the leadership of Chairman OBEY and Defense Appropriations Subcommittee Chairman MURTHA for his patient and careful crafting of this bill, which relieves our troops and helps our military families. The committee carefully separated the funding from the Iraq War funding.

Speaking of Chairman MURTHA, let me say also that historians will record that it was he who awakened and educated the Nation regarding the failure and folly of the Bush Administration's policy in Iraq when he courageously spoke this truth to power: The war in Iraq is not going as advertised. It is a flawed policy wrapped in illusion. The American public is way ahead of us. The United States and coalition troops have done all they can in Iraq, but it is time for a change in direction. Our military is suffering. The future of our country is at risk. We can not continue on the present course. It is evident that continued military action in Iraq is not in the best interest of the United States of America, the Iraqi people or the Persian Gulf Region.

The principled stand of the gentleman from Pennsylvania changed the course of America history by signaling the beginning of the end of the Iraq War. More importantly, Chairman MURTHA'S actions have and will result in the saving of countless thousands of lives of brave young servicemen and women that would otherwise be lost trying to salvage the Administration's ill-conceived and terribly mismanaged war in Iraq. I cannot thank you enough for all you have done for our county.

In supporting this legislation, I stand in strong support of our troops who have performed magnificently in battle with a grace under pressure that is distinctively American. I stand with the American people, who have placed their trust in the President, the Vice-President, and the former Secretary of Defense, each of whom abused the public trust and patience.

I stand with the American taxpayers who have paid more than $400 billion to finance the misadventure in Iraq. I stand with the 3,664 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. For these reasons, Madam Speaker, I stand fully, strongly, and unabashedly in support of H.R. 3222.

Mr. Chairman, I voted against the 2002 Iraq War Resolution. I am proud of that vote. And I have consistently voted against the Administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities.

But I strongly believe that when a nation sends its sons and daughters into harms way, it has an obligation to ensure that they have everything they need to wage the battle, emerge victorious, and return home safely to their loved ones and to a grateful nation. That is why I proudly support this legislation. H.R. 3222 provides for the security of our nation and addresses that responsibility squarely, fully funding our troops so that they are prepared for whatever emergencies may arise, providing them with first class weapons and equipment, and ensuring that they and their families are cared for properly.

At the same time, H.R. 3222 recognizes our obligation to meet the recent dependence on the use of contractors with increased support for their management and oversight. It likewise makes a commitment to fiscal responsibility. In this regard, I note that the amount appropriated in this bill, $459.6 billion, represents an increase of nearly $40 billion over the previous year but is $4 billion less than the amount requested by the Administration.

Mr. Chairman let me briefly address some of the important components of this legislation. I think it important that all Americans know that H.R. 3222 achieves the following .critical objectives: (1) keeps our commitments to our troops and their families; (2) prepares our forces to meet future needs; (3) imposes fiscal discipline on the Pentagon; and (4) prohibits permanent military bases in Iraq and the use of torture by American forces everywhere.

Specifically, Mr. Chairman, H.R. 3222 addresses equipment shortfalls in the Guard and Reserve by providing $925 million, $635 million above 2007, specifically to address equipment shortfalls in order to help forces meet the demands of overseas deployments and respond to natural disasters here at home. This amount meets the requirements identified by the Chief of the National Guard Bureau in the ''Essential 10 Equipment Requirements for the Global War on Terror.''

The legislation supports military families by providing $2.9 billion, $558.4 million above the President's request, for programs including childcare centers, education programs and the family advocacy program which provides support to military families affected by the demands of war and episodes of child or spouse abuse.

In the important area of medical treatment and healthcare, the bill provides $22.957 billion, $1.7 billion above 2007 and $416 million above the President's request. The bill rightly rejects the President's proposal to inflict $1.9 billion in TRICARE fee and premium increases on our troops and makes much needed investments in improving the Defense Department's electronic medical records systems and fostering better coordination between the Defense Department and the Department of Veterans Affairs.

I particularly commend Chairman MURTHA for his successful efforts to secure more than $400 million in funding to conduct research and treat the increasing incidence of post-traumatic stress disorder, PTSD, among American servicemen and women. And I especially appreciate his commitment to work with me to establish a PTSD facility at Riverside General Hospital, located in the 18th Congressional District of Texas, to treat PTSD in veterans, whether on active duty, discharged, or on leave in the metropolitan Houston area, including Harris and surrounding counties. There are nearly 200,000 military veterans in Harris County alone and Riverside General Hospital has proven itself capable of providing psychiatric, medical, emergency medical, inpatient, and outpatient services to crisis populations.

Riverside General Hospital, by the way, was formerly known as the Houston Negro Hospital and was founded in 1926 in memory of Lt. John Halm Cullinan, 344th FA, 90th Division of the American Expeditionary Forces. Lt. Cullinan was one of the thousands of African Americans who risked life and limb to defend America and its allies at a time when those of his race did not enjoy the legal rights they fought so hard to secure for others.

Mr. Chairman, there is an unmet need for more medical facilities specializing in post-traumatic stress disorder located in underserved urban areas. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder. Riverside General Hospital is uniquely positioned to this need and I look forward to working with this Defense Appropriation Sub-Committee to bring this historic project to fruition.

I also strongly approve of the allocation of $1.252 billion above the President's request to

repair barracks, improve child care facilities, and improve community services, to address the strain put on facilities by changes in force structure, base closures, and a global repositioning of forces all while meeting the demands of war. Similarly, the appropriation of $268.1 million, $141.9 million above the President's request, for perimeter security force protection and related security improvements, to protect bases, schools, hospitals, base housing, churches and childcare centers from terrorist attacks makes sense in light of the recent failed terrorist plot at Fort Dix in New Jersey. As does the $15 billion, $1.6 billion above 2007, set aside to ensure there are no out-of-pocket expenses for service personnel and support the privatization of housing for military families.

Mr. Chairman, American troops are the best in the world because they are the best equipped and the best trained. H.R. 3222 ensures that will remain the case by providing $7.548 billion, a 13 percent increase for all home-stationing training, so that our troops are well prepared for any eventual deployment.

The legislation also takes into account the fact that the size of our Army and Marine Corps must be increased if we are to reduce the pressure to extend troop deployments. The bill provides funds to covers the costs of adding 7,000 new soldiers and 5,000 new marines.

Finally, H.R. 3222 provides $76.229 billion, $1.112 billion above the President's request and $508 million above 2007, for research, development, testing, and evaluation of weapons systems, and military medical research.

Mr. Chairman, the bill before represents responsible, visionary, and competent policy making. Our vote today will put the House on record squarely against the Bush Administration's policy of looking the other way while the Iraqi government fails to govern a country worthy of a free people with as much commitment and dedication to the security and happiness of its citizens as has been shown by the heroic American servicemen and women who risked their lives and, in the case of over 3,600 fallen heroes, lost their lives to win for the Iraqi people the chance to draft their own constitution, hold their own free elections, establish their own government, and build a future of peace and prosperity for themselves and their posterity.

Mr. Chairman, nearly every decision reached by a legislative body is a product of compromise. The bill before us is no different. If it was left solely to us, any of us could no doubt add or subtract provisions which we think would improve the quality of life for our brave men and women in uniform. Indeed, during this first session of the 110th Congress, I have offered several amendments to do just that.

For example, I offered an amendment to the Emergency Supplemental Appropriations Act, H.R. 1591, that would have led to the redeployment and return of American troops. It would achieve this objective by terminating the authority granted by Congress to the President in the 2002 Authorization for the Use of Military Force in Iraq because the objectives for which the authorization was granted have all been achieved. Specifically, Congress authorized the President to use military force against Iraq to achieve the following objectives: to disarm Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region; to change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors; to bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001; to ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

Thanks to the skill and valor of the Armed Forces of the United States we now know for certain that Iraq does not possess weapons of mass destruction. Thanks to the tenacity and heroism of American troops, Saddam Hussein was deposed, captured, and dealt with by the Iraqi people in such a way that neither he nor his Baathist Party will ever again pose a threat to the people of Iraq or its neighbors in the region. Nor will the regime ever acquire and provide weapons of mass destruction to international terrorists. Also, the American military has caught or killed virtually every member of al Qaeda in Iraq remotely responsible for the 911 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced.

In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved, most with spectacular success thanks to the professionalism and superior skill of our service men and women. The point of my amendment was to recognize, acknowledge, and honor this fact.

Another amendment, this one to the Defense Authorization Act, H.R. 1585, required the Secretary of Defense to study and report back to Congress the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours overseas.

Words cannot explain the pain and the sense of pride that some families feel when they say good-bye to a loved one. Behind those brave smiles, hugs, and kisses is an undying and unnerving uncertainty about what can happen to a spouse, child, father, or mother. Depending on the extent of that soldier's injury a family can suffer serious economic consequences as a result, not to mention the emotional impact of seeing a loved one in that state. Even under the best of circumstances, where a soldier serves multiple terms and returns with no major injuries, valuable time is lost between a parent and child and between spouses that can never be returned.

One in five soldiers suffers from depression, anxiety or stress. Likewise 20 percent face marital problems including divorce or legal separation from their spouse. Military families need greater psychological, emotional, and organizational assistance according to the results of a new survey released March 28 of this year by the National Military Family Association, NMFA. The study, ''Cycles of Deployment Report,'' which focused on the needs of military families, shows service members and military families are experiencing increased levels of anxiety, fatigue, and stress. In response, NMFA outlined recommendations for meeting these challenges amid multiple and extended deployments, increased rates at which service members are called upon for service, and the heavy reliance on National Guard and Reserve forces.

Military families have also expressed concern that when entering a second or third deployment, their loved ones carry unresolved anxieties and expectations from the last deployment(s). While they may have gained knowledge of resources available to them, service members who have been deployed multiple times report being more fatigued and increasingly concerned about their family relationships.

Mr. Chairman, at bottom, H.R. 3222 ensures that U.S. forces in the field have all of the resources they require. Second, it improves healthcare for returning service members and veterans. Third, it imposes fiscal restraint upon the Administration and Pentagon.

Mr. Chairman, before I conclude, I want to take a few minutes to discuss why the American people believe so strongly that the time has come to an end the policy of not placing any demands or conditions on American military assistance to the Government of Iraq.

As Kenneth M. Pollack of the Brookings Institution, and a former senior member of the NSC, brilliantly describes in his essay, ''The Seven Deadly Sins Of Failure In Iraq: A Retrospective Analysis Of The Reconstruction,'' in ''Middle East Review of International Affairs'' (December 2006), our trust and patience has been repaid by a record of incompetence unmatched in the annals of American foreign policy.

The Bush Administration disregarded the advice of experts on Iraq, on nation-building, and on military operations. It staged both the invasion and the reconstruction on the cheap. It did not learn from its mistakes and did not commit the resources necessary to accomplish its original lofty goals or later pedestrian objectives. It ignored intelligence that contradicted its own views.

It is clear now that the Administration simply never believed in the necessity of a major reconstruction in Iraq. To exacerbate matters the Office of the Secretary of Defense, OSD, and the White House Office of the Vice President, OVP, worked together to ensure that the State Department was excluded from any meaningful involvement in the reconstruction of Iraq.

The Administration's chief Iraq hawks shared a deeply naive view that the fall of Saddam and his top henchmen would have relatively little impact on the overall Iraqi governmental structure. They assumed that Iraq's bureaucracy would remain intact and would therefore be capable of running the country and providing Iraqis with basic services. They likewise assumed that the Iraqi armed forces would largely remain cohesive and would surrender whole to U.S. forces. The result of all this was a fundamental lack of attention to realistic planning for the postwar environment.

As it was assumed that the Iraqis would be delighted to be liberated little thought was given to security requirements after Saddam's fall. The dearth of planning for the provision of security and basic services stemmed from the mistaken belief that Iraqi political institutions would remain largely intact and therefore able to handle those responsibilities.

But there were too few Coalition troops, which meant that long supply lines were vulnerable to attack by Iraqi irregulars, and the

need to mask entire cities at times took so much combat power that it brought the entire offensive to a halt.

It was not long before these naive assumptions and inadequate planning conjoined to sow the seeds of the chaos we have witnessed in Iraq.

The lack of sufficient troops to secure the country led to the immediate outbreak of lawlessness resulting in massive looting and destruction dealt a stunning psychological blow to Iraqi confidence in the United States, from which the country has yet to recover. We removed Saddam Hussein's regime but we did not move to fill the military, political, and economic vacuum. The unintended consequence was the birth of a failing state, which provided the opportunity for the insurgency to flourish and prevented the development of governmental institutions capable of providing Iraqis with the most basic services such as clean water, sanitation, electricity, and a minimally functioning economy capable of generating basic employment.

Making matters worse, the Administration arrogantly denied the United Nations overall authority for the reconstruction even though the U.N. had far more expertise and experience in nation building.

The looting and anarchy, the persistent insurgent attacks, the lack of real progress in restoring basic services, and the failure to find the promised weapons of mass destruction undercut the Administration's claim that things were going well in Iraq and led it to make the next set of serious blunders, which was the disbanding of the Iraqi military and security services.

Mr. Chairman, counterinsurgency experts will tell you that to pacify an occupied country it is essential to disarm, demobilize, and retrain, DDR, the local army. The idea behind a DDR program is to entice, cajole, or even coerce soldiers back to their own barracks or to other facilities where they can be fed, clothed, watched, retrained, and prevented from joining an insurgency movement, organized crime, or an outlaw militia.

By disbanding the military and security services without a DDR program, as many as one million Iraqi men were set at large with no money, no means to support their families, and no skills other than how to use a gun. Not surprisingly, many of these humiliated Sunni officers went home and joined the burgeoning Sunni insurgency.

The next major mistake made in the summer of 2003 was the decision to create an Iraqi Governing Council, IGC, which laid the foundation for many of Iraq's current political woes. Many of the IGC leaders were horribly corrupt, and they stole from the public treasury and encouraged their subordinates to do the same. The IGC set the tone for later Iraqi governments, particularly the transitional governments of Ayad Allawi and Ibrahim Jaafari that followed.

Finally, by insisting that all of the problems of the country were caused by the insurgency rather than recognizing the problems of the country were helping to fuel the insurgency, the Bush administration set about concentrating its efforts in all the wrong places and on the wrong problems.

This explains why for nearly all of 2004 and 2005, our troops were disproportionately deployed in the Sunni triangle trying to catch and kill insurgents. Although our troops caught and killed insurgents by the hundreds and thousands, these missions were not significantly advancing our strategic objectives. Indeed, they had little long-term impact because insurgents are always willing to flee temporarily rather than fight a leviathan. Second, because so many coalition forces were playing "whack-a-mole" with insurgents in the sparsely populated areas of western Iraq, the rest of the country was left vulnerable to take over by militias.

Finally, Mr. Chairman, a cruel irony is that because the Iraqi Government brought exiles and militia leaders into the government and gave them positions of power, it is now virtually impossible to get them out, and even more difficult to convince them to make compromises because the militia leaders have learned they can use their government positions to maintain and expand their personal power, at the expense both of their rivals who are not in the government and of the central government itself.

All of this was avoidable and the blame for the lack of foresight falls squarely on the White House and the Office of the Secretary of Defense.

Mr. Chairman, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held more than 100 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report to the shameful mistreatment of wounded soldiers recuperating at Walter Reed Medical Center.

Mr. Chairman, the bill before us is not asking us to expand or extend the war in Iraq. I would not and will not do that. On the contrary, this bill puts us on the glide path to the day when our troops come home where we can "care for him who has borne the battle, and for his widow and orphan." This bill helps to repair the damage to America's international reputation and prestige. This bill brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

I urge my colleagues to support H.R. 3222, the "Defense Appropriations Act of 2008."

Mr. MARKEY. Mr. Chairman, I rise today to speak about a very important provision in the Defense Appropriations Act for 2008, which yet again confronts President Bush over his inhumane and un-American torture policies.

I want to thank Chairman MURTHA for agreeing once again to include my language regarding torture in this bill. The provision, in Section 8104 of the bill, states that none of the funds in the Defense Appropriations bill may be used in contravention of the United Nations Convention Against Torture. This is a crucial provision because, as we all know, for years the President has been willing to ignore our obligations under international and domestic law to protect the basic human rights of detainees. This disregard for treaty and legal obligations also undermines our efforts in the war on terror, serving as a valuable recruiting tool for terrorists and putting our brave men and women in uniform at risk of similar mistreatment if captured by our enemies.

I have inserted this provision into a number of funding bills over the past several years, and I will continue to do so until we can legislatively restrain this and every future President from intentionally misinterpreting our obligations to respect the fundamental human rights of all people. In the period of the Republican majority, I had to come to the floor and offer amendments to insert this funding restriction into the appropriations bills. Fortunately, my colleagues on both sides of the aisle agree that our obligations to treat individuals humanely are paramount, and my amendment repeatedly prevailed with near unanimity. I commend Mr. MURTHA for including this language in the bill, which reflects his deep concern for our troops and his commitment to upholding our obligations to fundamental human rights.

With his policies of extraordinary rendition, President Bush has shipped countless prisoners to countries such as Syria and Uzbekistan where they are brutally tortured—without ever having been afforded a lawyer, a trial, or any opportunity to challenge their transfer based on probability of abuse. By allowing senior officers and officials to implicitly encourage the abuse of Iraqi prisoners at Abu Ghraib, President Bush not only allowed a situation to develop where Americans horribly abused detainees but also created one of the greatest public diplomacy disasters in American history. By establishing a network of black-site CIA prisons around the world, where prisoners are held in total secret and without access to international monitors such as the Red Cross, the President engages in the grossest hypocrisy and undermines the very international protections for prisoners that our own troops abroad count on as their last line of defense should they be captured.

These policies must come to an immediate and permanent end. I look forward to passing my Torture Outsourcing Prevention Act to end extraordinary rendition once and for all, and it is essential that Congress reinstate habeas corpus. Until then, I am proud that the Congress will, with this funding restriction, once again bar any appropriations in violation of the Convention Against Torture.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 3222, the Defense Appropriations Act for Fiscal Year 2008. I would like to thank the gentleman from Pennsylvania, Chairman MURTHA, and the gentleman from Florida, Ranking Member YOUNG, for their efforts to craft a strong bipartisan bill and for their tireless dedication to our national security and to the men and women in uniform who protect us.

Ensuring a strong national defense is one of Congress's greatest responsibilities, and at no time is that more evident when our servicemembers are overseas in harm's way. While the members of this body may disagree about our next steps in Iraq, we all agree that we must support the soldiers, sailors, airmen, marines and civilians who are serving their country and facing some challenging missions. Further, we agree that we must have a military that can protect our Nation against current threats and respond to emerging challenges we may face in the future. As a member of the Intelligence Committee and a former member of the House Armed Services Committee, I believe we need a flexible and an adaptive

military—one whose efforts are coordinated with other assets of national power such as diplomacy, foreign assistance and international cooperation—to achieve our national security goals.

Congress recognizes that our Nation is only as strong as those who defend us, and the bill before us makes important steps to enhance the health and well-being of those serving our Nation. It provides a 3.5 percent pay increase for our men and women in uniform, an increase over the President's recommendation of 3.0 percent. It continues our efforts to increase the size of the Army and Marine Corps in order to reduce the strain on our military caused by repeated troop deployments. In order to treat those currently in our military health system and to meet the needs of those returning from combat, it includes $23 billion for defense health programs, $416 million more than the President requested. It also postpones the President's recommended cost share increases for Tricare beneficiaries, a proposal that would have caused hardship to our military families and retirees.

H.R. 3222 also makes significant increases to vital non-proliferation programs. For years, the Nunn-Lugar Cooperative Threat Reduction program has allowed the U.S. to work with Russia and other nations in the former Soviet Union to dismantle their nuclear, chemical and biological weapons. As the chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I know that one of the most important safeguards to preventing an attack using a weapon of mass destruction in the U.S. is to secure dangerous materials at their source to prevent them from getting into the hands of terrorists. To this end, the Defense appropriations bill includes $398 million for Cooperative Threat Reduction—$26 million more than the current level and $50 million more than the President's request.

Finally, H.R. 3222 invests in systems and technology to protect against current and future threats. I am extremely pleased that the measure includes an additional $588 million for advance procurement of materials that could lead to the construction of a second Virginia-class submarine as early as next year. Our Navy has estimated that we need 48 attack submarines to meet the needs of our military commanders. Yet, under the Navy's current 30-year shipbuilding plan, they do not expect to increase production to two subs per year until 2012, causing a perilous decline in our future sub fleet—dropping below 48 ships in FY2020–33 and hitting a low of 40 in FY2028 and FY2029. I have long advocated increasing our build rate of Virginia-class submarines to two per year so that we have sufficient capabilities to address emerging threats. However, the Navy has repeatedly delayed its two per year target date, causing instability in the industrial base. In FY2004, the Navy expected to build two subs per year in FY2007. By FY2005, the target had moved to FY2009. That date was pushed back again and again, and now stands at FY2012. Meanwhile, our defense industrial base in Southeastern New England has suffered layoffs of submarine designers and engineers, whose specialized skills would be very difficult to reconstitute if lost. Without immediate action, we risk shrinking our sub fleet to perilously low levels, precisely when nations such as China are expanding and modernizing their navies. After visits to Rhode Island and Connecticut earlier this year, Chairman MURTHA stated that building more submarines would be a priority, and this legislation demonstrates his commitment to fixing this dangerous problem. On behalf of the submarine industrial base in Rhode Island, I thank him and Ranking Member YOUNG for their leadership on this important national security issue.

I am pleased that one of our final actions before departing for the August work period will be passing this important legislation, which demonstrates Congress's commitment to national security and deserves the support of all in this chamber.

Mr. BISHOP of Georgia. Mr. Chairman, I am very pleased to rise in strong support of the H.R. 3222, the Department of Defense and related agencies appropriations bill for fiscal year 2008.

As a member of Defense Appropriations Subcommittee, I am extremely proud of the work of the Subcommittee and our members on both sides of the aisle, in crafting a bill which truly provides for the defense and security of our Nation, our friends and allies, and promotes, supports and preserves the mutual security interests of both our friends and allies around the world.

More importantly, I would remind all of us here this evening, that anyone inside, or outside our shores, or for that matter, hiding in the most obscure and remote cave, or under a rock for that matter, who might wish upon us, our citizens and friends—the slightest of ill will or harm—should be very clear that this bill also serves as a stark, ominous and indisputable reminder of this Congress's and our Nation's resolve and dedication to our absolute domestic and global security—particularly in the face of those who would threaten the very rule of law, democratic ideals, and more importantly, the God-ordained principles of peaceful, fair, and progressive coexistence, among all God's children and nations.

It is important that our men and women who honorably serve in the defense of our Nation, have all the equipment, material and other resources they need to provide for the security of this Nation and our interests around the world.

Without question, the current war in Iraq and Afghanistan has placed a tremendous strain in this area, as well our potential ability to effectively respond to eminent security treats which may occur elsewhere throughout the world.

However, I firmly believe that our bill indeed goes far in meeting those needs and addressing any potential threats which might exist wherever they might arise.

More importantly, I, as well as my fellow Committee Members, are absolutely committed to providing our troops every dollar, dime and penny they need to defend our Nation and our interests—both here and abroad.

In this regard, our bill fully supports the Defense Department's plans to increase the size of the Army and Marine Corps to reduce the pressure to extend troop deployments.

Our bill will cover the costs of increasing the Army by 7,000 new members and the Marine Corps by 5,000 new members—including both the personnel costs and the associated equipment and outfitting costs. For the Army alone, the equipping costs amount to more than $4 million and, for the Marine Corps, the equipping costs amount to more than $2 million.

Our bill also provides $925 million, $635 million above 2007, specifically to address equipment shortfalls of the National Guard and Reserve in order to help these forces meet the demands of overseas deployments and respond to natural disasters here at home. This amount meets the requirements identified by the Chief of the National Guard Bureau in the ''Essential 10 Equipment Requirements for the Global War on Terror.''

Additionally, our bill provides an overall increase of 13 percent for home-station training, so that our troops are prepared for any eventual deployment. It also outfits a new 8th Stryker Brigade of the highly successful troop carrier to support the Army's evolution to a larger, more rapidly deployable force.

But lest anyone of us here tonight forget no matter the short-term outcome of the current conflict in Iraq and Afghanistan—whether it ends in the next few months, or extends through next year or beyond—it ''will end'' at some point, hopefully very soon.

And it is on this issue that I am particularly proud of the work of our Committee.

Ladies and gentlemen, not withstanding what we may individually believe to be our moral, national security or political interests in the war in Iraq and Afghanistan we need to meet and provide for the needs of our troops when they return home from the conflict in the Middle East.

And, I am very proud that the bill recommended by the Committee takes a proactive stance in addressing the needs of and improving the facilities which our men and women serving overseas will return to, and the resources provided to their families, both in the near and long term.

Mr. Chairman, our bill provides $558.4 million more than the President's request, for military family support, including childcare centers, education programs and the family advocacy program which supports military families affected by the war and child and spousal abuse.

Additionally, the bill contains $1.3 billion more than the President's request to repair barracks, improve child care facilities, and improve community services at military bases, to address the strain put on facilities by changes in force structure, base closures, and a global repositioning of our troops.

Our bill will significantly bolster base security, investing $141.9 million above the President's request for perimeter security force protection and related security improvements, to protect DOD bases, schools, and hospitals from terrorist attacks.

I am very proud that Ft. Benning, the ''home'' of the Infantry, is located in my district. And I am particularly pleased that our bill places a very high priority on investing in vital facilities like Ft. Benning, in anticipation of our troops return from the war.

As a new member of the Appropriation's Subcommittee on Defense, I was struck by the Department's ongoing challenges in effectively managing its procurement activities, particularly in terms of contractor oversight, and our long term, multi-year plans, commitments and management in this area.

From 2000 to 2005, DOD contracting-out increased by 73 percent, but oversight has actually decreased.

I am very pleased that the Committee's report on the bill directs several steps to improve the oversight of contractors, including

the following: In order to improve the oversight of contractors, the bill increases the budget of certain critical DOD oversight agencies—including providing an increase of $24 million for the DOD Inspector General, $17 million for the Defense Contract Management Agency, and $12 million for the Defense Contract Audit Agency. The bill also provides $21 million to permit the temporary assignment of 600 contract specialists from the General Services Administration to help DOD oversee contracts.

The Committee report requires the Secretary of Defense to develop minimum standards for all contractors performing security functions and to establish a clear set of rules of engagement for those operating in Iraq and Afghanistan, within 90 days of the bill's enactment.

The Committee report also requires a report that identifies: (1) DOD acquisition workforce needs; and (2) tools to recruit and retain these personnel in order to provide adequate management of contracts and oversight of contract performance.

Finally, I would like to congratulate my Chairman, JACK MURTHA, and Ranking Member BILL YOUNG, for the outstanding job they have done in stewarding and leading the important work of our Subcommittee.

And I would be remiss if I did not recognize and thank the staff of Subcommittee—David Morrison and his outstanding staff, as well as John Shank and the minority staff, in the outstanding work they do on behalf of this body and the Nation.

This is a good bill, and I urge my colleagues to support the FY08 Defense Appropriations bill.

MS. MOORE of Wisconsin. Mr. Chairman, I rise today—as we consider the FY 2008 Defense Department Appropriations bill to speak about the need to ensure that every soldier returning from Iraq gets access to health care including mental health care servIces.

One of the most important things funded in the bill is the program to help the Defense Department deal with the rising number of soldiers returning from Iraq and Afghanistan suffering from mental health conditions such as Post Traumatic Stress Disorder or PTSD.

As you know Mr. Chairman, PTSD is a chronic medical disorder that follows exposure to an overwhelming traumatic event. Its symptoms can include flashbacks, sleeplessness, restlessness, irritability. The majority of those with PTSD meet the diagnostic criteria for several psychiatric disorders, especially depression and substance abuse, and many also attempt suicide.

Our military personnel in Iraq and Afghanistan are constantly at risk for car bombs, suicide bombers, and improvised explosive devices. Combat imposes a psychological burden that affects all combatants, not only those who sustain physical wounds.

Yet, despite a renewed interest and focus on this problem by Congress, I am disturbed by recent reports about the use of administrative discharges to ''involuntary separate'' ''unfit'' soldiers in order to maintain ''good order and discipline'' among the ranks.

While this may seem quite normal, these reports indicate that these discharges may be pushing men and women out of the service for conduct that may be tied to undiagnosed or untreated post-traumatic stress disorder symptoms even as the Army's Surgeon General has stated that the ''army does not want PTSD treated as a discipline problem.''

PTSD and other mental health challenges often include complex behaviors which include difficulty controlling one's emotions and self-medicating with alcohol, other medications, or illicit drugs in an attempt to return to ''normalcy.'' Without a thorough evaluation by trained professionals during this process, many soldiers suffering with PTSD may be discharged and cut off from needed healthcare, with deadly consequences.

This problem was brought to my attention recently and tragically through the case of a constituent who my office was working to help access VA health services which he thought he had earned through his sacrifice on the battlefield.

This constituent served his country in Iraq for 10 months only to come back to be discharged as a ''disciplinary problem'' even though he manifested many symptoms that would indicate PTSD.

Instead of helping him find the door to diagnosis and treatment, he was just plain shown the door. Besides losing access to DoD health services, the character of his discharge also unfortunately prevented him from receiving any of the VA health and mental health services that could have helped him which so many in Congress have fought to make available to returning service men and women.

The Army did eventually clarify his discharge so that my constituent could access VA health benefits. Unfortunately, this changee did not occur until after his problems had gone untreated for several more months and only a few weeks before he ultimately committed suicide.

However, why we would force our service men and women, who have fought the enemy on the battlefield, to fight the enemy of bureaucracy anew is beyond me, especially when medical professionals maintain that early intervention and treatment can make a difference for those with PTSD and other mental health conditions.

Sadly, the problem is much more widespread than one constituent. There are many who have noted the increasing use of the administrative discharge process to quickly discharge soldiers considered ''disciplinary'' problems or ''unfit'' including pressure placed on unit commander to remove these soldiers rather than get them help.

Mr. Chairman, I intended to offer amendments to try and get the DOD leadership to address this issue with a renewed sense of urgency especially since the DOD's own Mental Health Task Force expressed ''serious concerns'' about this problem.

The Task Force found a conflict between the haste to enforce discipline and the need to properly evaluate soldiers prior to a disciplinary discharge to ensure that reported misconduct is not a result of an untreated or undiagnosed mental health condition.

In June, that Task Force recommended that DOD change its policies to ''Guarantee a Thorough Assessment of Behavioral Symptoms When Evaluating Combat Veterans for Administrative/Legal Dismissal from the Military'' including ''carefully assessing a soldier's history of exposure to conditions that could cause PTSD, or traumatic brain injury, or related diagnoses for those facing administrative or medical discharge.''

While my amendments would have been made in order under the open rule under which this bill will be considered, the Defense Subcommittee Chairman, MR. MURTHA, graciously offered to work with me on this issue as the bill moves forward, including conference report language. On that basis, I will not offer my amendments today.

In the word ofthe DOD's task force, ''the military also has a clear responsibility to restore to full level of function a service member damaged in the line of duty, and to be cognizant of and attentive to the psychological aftermath of deployment, manifested in hidden injuries of the brain and mind.''

We can and must do better for our soldiers.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the bill and want to thank Chairman MURTHA, Ranking member YOUNG and their very able staff for their hard work.

The challenge before our Subcommittee was this: strike the appropriate balance between present and the future needs for our military in a time of war.

Clearly, we must provide the funding necessary to support our courageous young warfighters—troops in the current fight—and their families.

In this regard, I am pleased that the bill:

Fully funds a 3.5 percent pay raise for troops;

Provides an additional $2.5 billion for family support activities—more counselors, teachers, day care providers, better housing, etc;

That the bill: Contains significant increases in many Defense Health accounts and provides funding to improve military mental health and PTSD programs;

Includes new efforts on preventative medicine in DOD and enhancements to military medical research;

The $1.9 billion shortfall in the military's TriCare program is erased in this bill;

Contains new initiative to consolidate the DOD and VA medical record-keeping systems to assure that our soldiers' medical records do not fall through bureaucratic cracks.

Further, the bill:

Fully funds flying hours for our aviators and home training for all those who fight on our behalf;

Includes an additional $142 million to I provide enhanced security at DOD bases here in the U.S. As the recent incident at Fort Dix demonstrates, our military bases are terrorist targets.

But Mr. Chairman, this Committee also applied its best judgment as we look to the future and how this Nation will confront future opponents in future conflicts. The bill:

Provides nearly a billion new dollars to upgrade the equipment of our National Guard and Reserves for both military and home state civil operations;

Fully funds the ''end strength'' increases for the Army and the Marines;

Moves the F–22 Raptor program forward and retains language that bars its foreign sale;

Advances the Joint Strike Fighter program and directs production of a 2nd engine;

Establishes a new Army Stryker Brigade and contains funding for five new ships for the Navy.

Mr. Chairman, if I had written it this bill, I might have written sections differently. For example, one could argue with the total funding levels. And I wonder if we have ''gotten it right'' with respect to reductions to Future Combat Systems—the Army's signature modernization program.

But all-in-all, this is a good package worthy of our support. I thank the Chairman. I thank

the Ranking Member. And I thank the staff and urge support of the bill.

Mr. LEWIS of California. Mr. Chairman, I rise today to extend my support for the fiscal year 2008 Defense Appropriations Bill. The bill, as recommended by Chairman MURTHA and Mr. YOUNG, is a clean bill. It is a good bill. It is a bipartisan bill.

This bill provides almost $460 billion for our Nation's defense, an increase of $39.7 billion over the fiscal year 2007 appropriations. It funds the country's priorities during a period where we find ourselves developing a force structure for the future and carrying out a Global War on Terrorism. The bill provides balance with support for development and deployment of near-term capabilities, while investing in the future through robust science and technology efforts. In particular, the bill:

Continues the establishment of a strong missile defense against the threats of our adversaries;

Furthers the revitalization of our human intelligence efforts, a critical capability lost in the 90's, while maintaining our technical intelligence assets;

Focuses the evolution of tomorrow's blue water navy;

Grows the force structure necessary to meet the operational demands and reduce the burdens carried by our military families;

Addresses the health care needs of our soldiers; and,

Does all of these things while providing the necessary resources to train and equip today's forces that are currently in harm's way.

I believe, however, that it may be more important to appreciate what this bill doesn't do rather than what it actually does.

This bill doesn't bog us down in the useless exercise of academic debate on issues better discussed elsewhere.

It doesn't step into the authorizations world with misguided attempts to solve issues associated with topics like Iraq or detainee policy.

And, most importantly, it doesn't delay providing our men and women in uniform our unqualified support and the resources they need to complete their mission successfully. I strongly urge my colleagues to preserve this quality of the bill before us today.

Over the years that I have been privileged to serve on the Appropriations committee, we have made every effort to leave partisan politics at the door. We have teamed up in a bipartisan fashion to do what is best for the country. This bill follows that longstanding, time-honored tradition.

For us to get our work done—for us to be successful—it must remain that way. National security demands that this bill focus on the needs of our troops. In its current form, this bill does that.

National security also demands that Congress move swiftly. The House is doing its part and I would urge our colleagues in the Senate to join us in moving this bill—and others—quickly.

Mr. Chairman, I urge the swift adoption of this Defense Appropriations bill.

Mr. DICKS. Mr. Chairman, I want to begin by congratulating Chairman MURTHA, Ranking Member YOUNG, Chairman OBEY, and Ranking Member LEWIS for guiding the committee work that brings this bill to the floor for consideration today. I expect that other committee members took as much satisfaction as I did in being able to report out this bill with unanimous, bipartisan support from both the subcommittee and the full committee.

One area that I want to comment on in particular regarding this bill has to do with the classified accounts. In preparing this bill, we undertook a new approach in which Members from both the Defense Appropriations Subcommittee and the Permanent Select Committee on Intelligence worked jointly in a Select Intelligence Oversight Panel. I was pleased to have been able to participate in this panel that was ably led by my friend from New Jersey, Mr. HOLT.

Because we cannot comment in any detail on the classified accounts in this bill, I hope it is useful to my colleagues to hear that the Select Intelligence Oversight Panel undertook thorough reviews of the classified accounts, including many probing sessions with representatives of the intelligence agencies. In the end, the panel made recommendations on the classified accounts to the Defense Appropriations Subcommittee, and the bill before us today reflects those recommendations.

Mr. Chairman, like all other agencies of the Federal Government, the intelligence agencies need to be subject to oversight and accountability. I believe that we have done that in developing the appropriations levels that are provided for in the classified accounts of this bill.

I also would like to call attention to a few additional areas of the bill that I think are significant. Equipment shortfalls for our Guard and Reserve forces have been an area of real concern to the committee. In order to continue to address this, the bill adds $925 million, $700 million of which is designated for the Army National Guard.

Recognizing the need to help the Army provide the facilities that it needs as it deals with the combined effects of growing its forces, rebasing its forces and transforming to the modular force, the bill adds $1.25 billion for facilities sustainment and restoration. These funds will be used to fix barracks, improve childcare facilities and enhance community services at installations around the world.

The Navy has some challenges too, some of which this bill attempts to address. In shipbuilding, the bill adds $3.7 billion above the budget request to provide funds for an additional five ships. Furthermore, I am pleased that the bill fully funds the account for ship depot maintenance to ensure that the Navy can continue to maintain the readiness of its current fleet.

Finally, Mr. Chairman, I point out that the bill funds a 3.5 percent pay increase for our military personnel, and it includes $2.9 billion (an increase of $558 million over the budget request) for family advocacy programs, childcare centers, and dependent education programs.

There is much more that is very good about this bill. I urge my colleagues to vote to support it.

Mr. GENE GREEN of Texas. Mr. Chairman, rise today in strong support of this legislation.

This legislation along with the passage of the Rest and Recuperation for Troops Act yesterday and the Military Construction and VA Appropriations bill earlier this year, continues a strong record in this Congress of providing our troops with the funding and equipment they need in the field, and ensuring they have the healthcare and rest they need when they come home.

I applaud the Appropriations Committee's work to provide more than the President's request for combat equipment depleted in Iraq, operational training, National Guard and reserves' battle gear, support services for military families, and shipbuilding.

This bill appropriates $459.6 billion for Defense Department programs in FY 2008. The bill's total is $3.5 billion, just 1 percent less than the President's request, but $39.7 billion, or 9 percent more than comparable levels for last year's regular defense appropriations—not accounting for $165 billion in FY 2007 emergency supplemental defense funds for operations in Iraq and Afghanistan we sent the President earlier this year.

I thank the Committee for including an important project being worked on by a consortium of universities in Texas in collaboration with the Air Force, the Consortium for Nanotechnology in Aerospace Commerce and Technology (CONTACT). Through collaborations among the universities, the Air Force Research Laboratory, and the aerospace commercial sector, this unique partnership will develop leading-edge nanotechnology aerospace applications faster and better than could be achieved individually at each institution.

I hope to work with the Committee as they move to conference and in next year's cycle to highlight the importance of three other projects I requested that did not get funded.

The Radar/Video Fusion Vessel and Port Security Demonstration Project will develop a sensor package integrated to provide surveillance, warning, monitoring and tracking of ships, vessels, and integrate into current and future Houston Ship Channel surveillance capability. Increased security at ports and waterways, landside and waterside, is now an essential part of homeland defense. This is particularly true in Houston where ships and barges have direct access to high value sites where destruction of assets will cause major casualties and/or economic impact.

Two other projects, the Battleship TEXAS Restoration Project, and the Manganese Health Research Project, have each been funded in the past, and I hope the Chairman would work with me to see that these important projects receive the funding necessary to complete the projects in the future.

Again, I strongly support this bill which will provide essential funding for the military and our troops, and I urge my colleagues to join me in supporting it.

Mr. GINGREY. Mr. Chairman, I rise today in recognition of all the hard work the Chairman and Ranking Member of the Subcommittee, and their staffs, have put in on behalf of our Nation on the Department of Defense Appropriations Bill for Fiscal Year 2008—and in gratitude for their work on behalf of the 11th District of Georgia.

And I would like to commend Chairman MURTHA and Ranking Member YOUNG for their efforts on behalf of our soldiers, sailors, airmen, and marines who are so bravely defending us at home and abroad.

Mr. Chairman, in its current form, this appears to be legislation that—although not perfect—does a fine job covering a wide range of priorities that are vitally important to our Armed Services. While regrettably cutting funding for both missile defense and future combat systems, the bill does appropriately include an across-the-board 3.5 percent pay raise and provisions addressing both Guard and Reserve readiness concerns. This bill also provides much-needed funds to grow the

Army—by 7,000 soldiers—and the Marine Corps—by 5,000 Marines.

Our House colleagues also did a good job providing funding for many important programs which are our military's top priorities. Chief among these, Mr. Chairman, is the F–22 Raptor.

I am particularly encouraged by the work the Appropriations Committee has done to fund F–22 procurement this year, as this aircraft is vital to our Nation's defense. This bill contains $3.153 billion for 20 F–22 Raptor aircraft as part of the multi-year procurement strategy of 60 F–22s over the next three years. This will go a long way toward providing stability for the program and ensuring that America maintains air dominance for the foreseeable future.

Further, Mr. Chairman, as we fight the global war on terror, the United States must without question continue to modernize and strengthen our ability to support our men and women in harm's way. Maintaining our Nation's airlift capabilities is critical to this mission, and I would like to applaud the Committee for their recognition of this by including funding for the modernization of the C–5 fleet, in line with the Air Force's program of record.

The Committee also responsibly recognizes the importance of developing life-saving innovations to benefit our war-fighters. Accordingly, $2.5 million dollars was included for the research and development of BioFoam Protein Hydrogel, which is manufactured in my district. BioFoam has the potential to save lives on the battlefield by using an expanding, adhesive, foam sealant to stop uncontrollable bleeding from internal wounds where tourniquets cannot be applied. Additionally, I am grateful that the Committee worked with me to provide funding for the Covert Waveform Program and for the development of Active/Smart Packaging for combat feeding.

Mr. Chairman, I would like to again thank my colleagues for their hard work on this bill.

Mr. HOLT. Mr. Chairman, I rise in support of this bill, which will provide our men and women in uniform with the tools to defend America and its people. Overall, this bill provides $459.594 billion for the operations of the Defense Department for fiscal year 2008, which is more than $43 billion above last year's level.

This bill keeps faith with our troops and their families in three key areas. First, this bill provides $2.9 billion ($558.4 million above the President's request) for programs including childcare centers, education programs and the family advocacy program which provides support to military families affected by the demands of war and episodes of child or spouse abuse. Second, the bill addresses the health care needs of military families and retirees by providing $22.957 billion ($1.7 billion above 2007 and $416 million above the President's 2008 request) for their care. The bill rejects the President's proposal to inflict $1.9 billion in TRICARE fee and premium increases on our troops, their families, and our military retirees. Finally, the bill provides $2.2 to cover the cost of a 3.5 percent military pay raise, as approved in the House version of the Defense Authorization bill.

This bill also prepares our forces to meet future needs. The bill provides $7.548 billion, a 13 percent increase for all home-stationing training, so that our troops are well prepared for any eventual deployment. The bill also supports DoD's plans to increase the size of the Army and Marines by providing $4 billion to cover the equipment costs of adding 7,000 Army troops and $2 billion to cover cost of adding 5,000 Marines. These force structure increases may reduce the number of deployments individual servicemembers may face in the years ahead.

The bill also addresses Guard and Reserve equipment shortfalls by providing $925 million ($635 million above 2007 levels) in order to help forces meet the demands of overseas deployments and respond to natural disasters here at home. This amount meets the requirements identified by the Chief of the National Guard Bureau in the ''Essential 10 Equipment Requirements for the Global War on Terror.''

To help America maintain its technological edge in the military arena, the bill provides $76.229 billion ($1.112 billion above the President's request and $508 million above 2007 levels) for research, development, testing and evaluation programs, including military medical research.

Funding for production of the Armed Reconnaissance Helicopter was zeroed out because they are not ready to go into production. Research and development will continue. Regarding ballistic missile defense programs, the committee cut some $298 million from the President's $8.498 billion request. I continue to believe that this is the single most wasteful, technologically impractical, and politically shortsighted programs in the entire Pentagon budget, and I hope that further cuts to this program will be forthcoming when the House and Senate conferees meet later this year.

The bill also cuts $406 million from the President's $3.157 billion request for the Future Combat System, the Army's projected next generation of armor, artillery, and related vehicle programs. This is another example of a Cold War legacy program that continues to receive massive funding despite its complete irrelevance to the wars we've been waging since 9/11.

If we've learned anything from our experience in Iraq and Afghanistan, it's not that our soldiers' greatest need has been additional firepower from new tanks and artillery pieces—it's been their need for translators and cultural specialist who could help them bridge the language and culture gap with the Iraqis and Afghans who want to help us find the insurgents and terrorists who are destroying their societies. I'm glad the committee has taken this initial step in reducing expenditures on this Cold War legacy program, but I hope that it represents only the beginning of a fundamental reevaluation of this program and the eventual reprogramming of its funds towards more productive ends.

Finally, I wanted to take a moment to address a structural change that was made to the committee at the beginning of this Congress, one that has significantly enhanced this body's oversight of intelligence programs. Earlier this year and under the leadership of Speaker PELOSI, the House passed H. Res. 35, which created the Select Intelligence Oversight Panel, which I have the honor of chairing. This step was in direct response to the 9/11 Commission recommendation that Congress take steps to reform how it conducts oversight of the intelligence community.

Our panel contains a mix of members from both the Appropriations Committee and the House Permanent Select Committee on Intelligence. Our charter is to review the operations of the intelligence community and to recommend policies and funding levels where necessary. The bill before you incorporates our recommendations. The majority of these recommendations are detailed in the classified annex to this bill and cannot be discussed in open session. However, one specific recommendation can be outlined for this body and the public, and it involves those critical foreign language programs of which I spoke earlier.

Our panel recommended a more than $10 million increase in funding for the National Security Education Program, or NSEP for short. NSEP was established by the David L. Boren National Security Education Act (NSEA), as amended, P.L. 102–183, codified at 50 U.S.C. 1901 et seq. It was signed into law by President George H. W. Bush on December 4, 1991. The NSEA mandated the Secretary of Defense to create the National Security Education Program (NSEP) to award: (1) scholarships to U.S. undergraduate students to study abroad in areas critical to U.S. national security; (2) fellowships to U.S. graduate students to study languages and world regions critical to U.S. national security; and (3) grants to U.S. institutions of higher education to develop programs of study in and about countries, languages and international fields critical to national security and under-represented in U.S. study. Also mandated in the NSEA was the creation of the National Security Education Board (NSEB) to provide overall guidance for NSEP.

NSEP's mission is to build a broader and more qualified pool of U.S. citizens with foreign language and international skills. It consists of five initiatives that represent broad strategic partnerships with the U.S. education community designed to serve the needs of U.S. national security and national competitiveness. NSEP focuses on the critical languages and cultures of Asia, Africa, Eastern Europe, the Middle East, and Latin America, and is unique in the commitment of its award recipients to proceed into public service upon completion of their academic studies. Each NSEP award recipient must demonstrate a commitment to bring his or her extraordinary skills to the Federal Government through employment within one of its many agencies and departments.

I'm pleased that our panel has placed such bipartisan emphasis on closing the foreign language and cultural literacy gaps that still exist within our national intelligence and defense agencies. However, it is clear that our deployed forces still do not have anything approaching the number of qualified linguists and cultural experts to help them effectively interact with the people of Iraq, Afghanistan, and most of the other countries of the Arab and Islamic world that are the critical battlegrounds in the war of ideas, hearts, and minds against al Qaeda. I will work with Chairman MURTHA in the coming year to address this issue.

Mr. Chairman, on balance, this is a good bill that provides our armed forces what they need to protect our citizens, our allies, and our vital interests, and I urge my colleagues to join me in voting for it.

Mr. Chairman, I commend the subcommittee for bringing this bill to the floor. Let me also take a moment to commend the outstanding staff of both the Defense subcommittee and the staff of the Select Intelligence Oversight

Panel for their hard work and expert contributions to our final product. I also want to thank the Panel's ranking member, Mr. LAHOOD, for his many thoughtful contributions to our work this year.

Speaker PELOSI is a leader of vision and boldness. Under her leadership, the House passed H. Res. 35, which created the Select Intelligence Oversight Panel, which I have the honor to chair. This step was in direct response to the recommendations of the 9/11 Commission that Congress reform how it conducts oversight of the intelligence community. Specifically, the Commission said ''Congress should create a joint committee for intelligence, in with combined authorizing and appropriations powers.'' The Speaker created a panel consisting of appropriators and authorizers .

Our panel contains a mix of members from both the Appropriations Committee and the House Permanent Select Committee on Intelligence. Our charter is to review all aspects of the intelligence community and report to the Appropriations Committee's Subcommittee on Defense. The bill before you contains our first such set of recommendations, which have put everyone on notice that real Congressional oversight of intelligence activities has resumed after a long and dangerous lapse.

This panel—unprecedented in Congressional history I believe—appears to be making a difference. Chairman OBEY and Chairman MURTHA have taken the Speaker's proposal and made it succeed. Working in a bipartisan manner, the panel has made numerous recommendations ranging from increased funding for foreign language programs to restructuring of major intelligence programs. Those recommendations are incorporated into this bill.

I think almost all Americans now know that our national intelligence agencies activities around the globe affect their safety and prosperity at home. What I hope they will now also know is that we in the House have made the oversight changes necessary to help keep them safe and their liberties secure.

Let me close by saying that our Panel's work is just beginning, and that I look forward to reporting to the House occasionally on our activities.

Mr. ORTIZ. Mr. Chairman, given the many challenges faced by our Nation—and our military—I'm pleased that the House moved the Defense Appropriations bill quickly.

Chairman MURTHA is doing some very heavy lifting for the Nation, and I thank you for your work.

This bill also contains a significant investment for South Texas, which contributes significantly to the Nation's military readiness. As the House point man on Readiness matters in our military, I have been deeply concerned that the Iraq conflict has eroded the readiness of the U.S. armed forces, perhaps for a generation.

At a time when we need to be more ready than before, this is a tremendous cause for alarm.

Today's bill addresses many of our current needs associated with: beefing up today's ground forces—our boots on the ground overseas; addressing the many failings of this administration and the last Congress in ensuring our military is ready for any challenge we need to meet, such as finally providing oversight of contractors in Iraq and Afghanistan; fully funding critical needs at depots that supply our troops; providing funds for National Guard equipment to make us safer here, and make our soldiers safer on the battlefields; and providing assistance for wounded warriors.

I thank the gentleman from Pennsylvania for his hard work on the bill; and the gentlewoman from New York for her work on this rule.

I urge my colleagues to support both the rule and the bill.

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Fiscal Year 2008 Appropriations bill. I commend Chairman MURTHA and Ranking Member YOUNG for crafting a bipartisan measure that carefully balances support for or troops and their families and fiscal responsibility. It maintains and enhances our Nation's commitment to a defense second to none and our abiding responsibility to protect and defend our Nation from all enemies at home and abroad.

As a member of this distinguished subcommittee, I am pleased with the body of work that we produced under the strong leadership of Chairman Murtha. The Defense subcommittee held over 30 hearings this year, nearly double that of the previous Congress. We received testimony from dozens of witnesses—from both inside and outside the Department of Defense—in order to allow the Members and our extraordinary staff to fashion this well balanced bill.

Mr. Chairman, this has been a difficult year for our Nation. The economy is in fragile shape, the public is losing faith in this body and the war in Iraq is taking a serious toll on the morale and well being of U.S. soldiers. As this conflict extends well into its 5th year, I must soberly remind each and every Member of this body that 3,651 U.S. soldiers have been killed and 27,104 injured. Those are staggering numbers.

Thankfully, this bill seeks to provide robust funding for those programs most important to the soldiers and to their families. The Committee fully-funded a 3.5 percent military pay raise without charging higher health care fees for military retirees, as the Administration proposed to do. Included in this bill is just under three billion dollars for family advocacy programs, childcare centers and dependent's education programs.

I am also very supportive of strong language and related funding in this bill providing for increased oversight and accountability of contractors and contracting out services. We have been calling on the Department of Defense to get its fiscal house in order for years. They chose to ignore Congress. This bill provides much needed guidance on the steps they must take to increase transparency on how they spend the public's money. Corruption and fiscal irresponsibility cannot stand. I agree with my Chairman, the distinguished gentleman from Pennsylvania, who maintains: ''The Committee's fiduciary responsibility to the American taxpayer requires holding accountable organizations, officials, and programs that have performed poorly. Moreover, wasted resources and procedural abuses ultimately come at the expense of our military men and women.'' As a result, we provide increased funds for the Contract Audit Agency, the Contract Management Agency, and the Department of Defense Inspector General. We also provide authority for the DoD to hire up to 500 GSA and GAG efficiency experts for assistance.

Finally, and perhaps most importantly, I want to draw each Member's attention to language in this bill that notes the Department of Defense has been slow ''to establish aggressive goals and timelines to achieve increased energy efficiency.'' The utter dependence of the United States on imported petroleum creates the major strategic vulnerability for our Nation, coupled with nearly half of the energy supply of the United States dependent on foreign sources. From the economically damaging Arab oil embargoes of 1973–74 and 1979 to the current recession precipitated by rising oil prices, which began in 1999, economic forces outside our borders have too often shaken the economic stability of the United States. We must shift America's dependence away from foreign petroleum as an energy source toward alternative, renewable, domestic sources. We must aim to balance the current petroleum trade deficit by replacing foreign sources of supply with steady increases of domestically-produced fuels and power system.

The Department of Defense is the largest purchaser of fuel in the United States. It maintains the largest energy footprint in our Govemment. I believe the Department of Defense can and must lead all other agencies in making the United States energy independent again.

I encourage every Member to vote in favor of this bill.

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of H.R. 3222 and thank Chairman MURTHA and Ranking Member YOUNG for the fine bill they have crafted. I would particularly like to highlight one item that is not in the bill. It's funding for the Administration's proposal to build a new nuclear weapon, the so called Reliable Replacement Warhead. The Administration proposed funding in the Energy and Water Appropriations measure for the warhead. They also asked for $30 million for design and development of the warhead in H.R. 3222.

In conjunction with my Ranking Member, Mr. HOBSON, we did not provide funds for this proposal in the Energy and Water Bill. I thank Chairman MURTHA and Mr. YOUNG for their foresight and correct policy decision in also eliminating funding for this program in H.R. 3222.

Profound decisions on the use of nuclear weapons stockpile need to be made—this is a serious and fundamental responsibility. Plans need to be articulated with specificity before this Nation should consider proceeding with the President's call for a new nuclear weapon.

First, there is a need for a comprehensive nuclear defense strategy and stockpile plan to guide transformation and downsizing of the stockpile and nuclear weapons complex—and until progress is made on this critical issue, there will be no new facilities or Reliable Replacement Warhead. Only when a future nuclear weapons strategy is established can the Departments of Defense and Energy determine the requirements for the future nuclear weapons stockpile and nuclear weapons complex plan. To date no Administration has developed and articulated a policy that takes into account the changes in our world situation since the end of the Cold War, the advent of regional conflicts such as we've seen in Kosovo and the terrorist attacks of 9/11.

Further, testimony before the subcommittee has pointed to the potential for the international community to misunderstand development of a new nuclear weapon by the United States. Moreover, for the last decade, the Administration has said that Stockpile Stewardship was the path to maintain the safety, security and reliability of the nuclear stockpile. Now, with three major stockpile stewardship facilities all over budget, over their deadlines, and not completed, we are told, "Let's do something else."

Given the serious international and domestic consequences of the U.S. initiating a new nuclear weapons production activity, it is critical that the administration lay out a comprehensive course of action before funding is appropriated. Major transformation of the weapons complex can only be produced with significant bipartisan support, lasting over multiple sessions of Congress and multiple Administrations. I don't think it is asking too much for a comprehensive nuclear strategy before we build a new nuclear weapon.

The Administration has proposed funding to begin engineering and cost studies of a reliable replacement warhead. In this, they have got the cart well before the horse. No funds should be provided for this activity. Future funding should only be considered following the adoption of a new strategic weapons plan for the Nation whereby the President establishes the anticipated threat environment and the role of nuclear weapons in addressing the projected threats. The strategic weapons plan must then guide a new nuclear stockpile plan before it can be determined if and when a reliable replacement warhead is needed.

In closing, I again want to thank Chairman MURTHA and Mr. YOUNG for their wise and positive decision in this matter.

The Chairman. No general debate is in order. The bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 3222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $31,346,005,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,300,801,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $10,269,914,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,379,214,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,629,620,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,776,885,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $513,472,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,365,679,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,815,017,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,621,169,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $26,404,495,000: *Provided*, That, notwithstanding any other provision of law, up to $12,500,000 shall be transferred to "U.S. Army Corps of Engineers, Operation and Maintenance" for expenses related to the dredging of the Hudson River Channel and its adjacent areas, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided in this paragraph shall be in addition to any other transfer authority elsewhere provided in this Act.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance

of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,257,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $32,851,468,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $4,471,858,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $31,613,981,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $22,343,180,000: *Provided,* That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further,* That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further,* That of the funds provided under this heading, not less than $27,380,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $7,000,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further,* That of the funds provided under this heading, not less than $245,075,000 shall be available only for the Combatant Commander's Exercise Engagement and Training Transformation program: *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further,* That no more than $1,900,000 shall be available for the Office of Legislative Affairs within the Office of the Secretary of Defense: *Provided further,* That, notwithstanding section 130(a) of title 10, United States Code, not less than $41,293,000 shall be available for the Office of the Undersecretary of Defense, Comptroller and Chief Financial Officer: *Provided further,* That, notwithstanding any other provision of law, funds provided under this heading for personnel security investigations of the Defense Security Service shall be paid at rates not in excess of those rates in effect as of August 1, 2006: *Provided further,* That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further,* That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,510,890,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,144,454,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $207,087,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,684,577,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,893,843,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,021,077,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,971,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $434,879,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $300,591,000, to remain available until transferred: *Provided,* That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $458,428,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided*

further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $12,751,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $268,249,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $103,300,000, of which $63,300,000 shall remain available until September 30, 2009, and of which $40,000,000 shall be available solely for foreign disaster relief and response activities and shall remain available until expended.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 18, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $398,048,000, to remain available until September 30, 2010.

AMENDMENT NO. 8 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROGERS of Michigan:

Page 19, line 8, after the dollar amount, insert ''(increased by $45,000,000)''.

Page 35, line 21, after both dollar amounts, insert ''(reduced by $45,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, quite simply, Mr. MURTHA and I have worked out an agreement on this amendment, and I want to thank the chairman for working with me.

This is incredibly important. We are going to take a little bit of this money from the former Soviet Union Threat Reduction Act, some of these moneys, and we are going to destroy tens of thousands of liters of chemical weapons still stockpiled in Libya. I think we have all come to the conclusion that this stuff is better gone than it is negotiating away about who pays for the road or for the electricity or for the incinerator.

I want to thank the chairman. I think this is an important national security issue which we have come to an agreement that we will do something about, and I want to thank you for that. America, and I think the world, will be safer when these chemical munitions are exterminated.

Mr. Chairman, I yield back my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

Mr. MURTHA. Mr. Chairman, it is not a matter of being in opposition. We are going to work something out. It is not a matter of being in opposition. The gentleman from Michigan is going to withdraw his amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I do not rise in opposition to the gentleman's amendment, as he has announced that he intends to withdraw it because of a previous agreement.

I take this time to advise the chairman of the subcommittee that under the unanimous consent agreement, a number of amendments were listed. I advise the chairman that some of those amendments will not be offered.

□ 2245

Other amendments we will be able to accept. Others will go to a vote, and there are several that will be subject to a point of order.

But in order to facilitate the evening and allow the House to conclude action on this bill, I just took this time to state that.

I yield to the gentleman from Mississippi (Mr. WICKER), the ranking member on the Military Construction Subcommittee.

Mr. WICKER. Mr. Chairman, I rise in strong support of this legislation to fund our troops.

Mr. Chairman, I rise in support of this legislation. I want to thank Chairman MURTHA and Ranking Member Bill YOUNG for their leadership and for working with the members on both sides of the aisle in crafting this important bill.

This measure provides the funds to enable our military to meet the challenges it faces in the global war on terror and to protect our homeland. It contains resources to address the needs of our military families and includes initiatives to produce the advanced weaponry, equipment, and training to ensure that our military remains the best in the world.

I am particularly pleased that the Committee did not include restrictions on funds that would prevent the President and our military commanders in the field from implementing the surge strategy in Iraq.

In the debate on funding for the troops and the surge earlier this year, some of my Democratic colleagues and many in the news media proclaimed this operation to be a failure even before it began. Many said the war was lost. Despite signs that the new strategy was taking hold, the Democratic majority sought to undermine this effort with attempts to cut off funding and set a date-certain for withdrawal. President Bush and Republicans in this Congress countered that we should support the troops fully and give the surge time to work.

There is solid evidence now that this strategy so ably put into place by GEN David Petraeus is working. Two military commanders on the ground there reported this week that they are denying freedom of movement to Al-Qaeda and that the citizenry have a new level of confidence in the Coalition and Iraqi Security Forces. More Iraqis are turning against Al Qaeda and working with Coalition forces to make their communities safer.

Further proof about progress in Iraq was provided in a July 30 op-ed in the New York Times. The column, entitled ''A War We Just Might Win,'' was written by Michael O'Hanlon and Kenneth Pollack, two fellows at the Brookings Institution who have been harsh critics of the war effort. They spent eight days in Iraq and spoke of the significant changes taking place there.

They wrote that troop morale is now high, that Coalition forces are confident in the strategy, and that they have the personnel on the

ground to "make a real difference." Army and Marine units are working well with Iraqi security units and the political and economic arrangements being forged at the local level are helping provide basic services to the Iraqi people.

They visited Anbar province and its capital of Ramadi, which has gone from being described as the worst part of Iraq to the best in just six months. To quote, "A few months ago, American Marines were fighting for every yard of Ramadi; last week we strolled down its streets without body armor."

Mr. Chairman, in a previous House debate on this issue, I noted that the American people are war-weary and impatient with the progress of our efforts there. I also said I believe the American people want us to win. I understand the frustration they feel about this engagement, but I still believe they want us to succeed in bringing about a free and stable government in Iraq and in defeating Al Qaeda. The reports I referenced earlier offer encouragement that our strategy may yet produce those results.

Our success there would stymie the plans outlined by Osama Bin Laden and his Al Qaeda Jihadists who consider Iraq a central battleground in the war on terror. They seek to establish a radical Islamic caliphate in the Middle East and use it as a beach-head to spread their terror and intolerance throughout the region and around the world.

We have taken the fight to terrorists in Iraq and Afghanistan to deny them the staging ground to plot more September 11-style attacks in the U.S. We have also been vigilant about protecting our homeland since 9–11, and we must continue to provide the support our military and our intelligence communities need to meet that challenge. That includes modernizing the Foreign Intelligence Surveillance Act to enable our intelligence agencies to remove outdated restrictions on the collection of information needed to stop terrorist plots before they can be carried out.

The funding in this bill and revising the FISA provisions will send a message about our commitment to providing the resources to protect our homeland, enable our military to defend American interests, and fight terrorism in Iraq, Afghanistan, and around the world.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 55, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of that portion of the bill is as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,891,539,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,103,102,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,077,189,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,215,976,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $11,217,945,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $12,470,280,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,928,126,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,067,484,000, to remain available for obligation until September 30, 2010.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $2,703,953,000;

Carrier Replacement Program (AP), $124,401,000;

NSSN, $1,796,191,000;

NSSN (AP), $1,290,710,000;

CVN Refuelings (AP), $297,344,000;

SSBN Submarine Refuelings, $187,652,000;

SSBN Submarine Refuelings (AP), $42,744,000;

DDG–1000 Program, $2,772,637,000;

DDG–1000 Program (AP), $150,886,000;

DDG–51 Destroyer, $78,078,000;

Littoral Combat Ship, $339,482,000;

LPD–17, $3,091,922,000;

LHA–R, $1,375,414,000;

Special Purpose Craft, $4,500,000;

LCAC Service Life Extension Program, $98,518,000;

Prior year shipbuilding costs, $511,474,000;

Service Craft, $32,903,000; and

For outfitting, post delivery, conversions, and first destination transportation, $405,011,000.

In all: $15,303,820,000, to remain available for obligation until September 30, 2012: *Provided*, That additional obligations may be incurred after September 30, 2012, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,298,238,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,500,882,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,690,220,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,920,959,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $342,494,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,255,186,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,335,637,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $925,000,000, to remain available for obligation until September 30, 2010, of which $700,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $64,092,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,509,540,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,718,624,000, to remain available for obligation until September 30, 2009: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,163,917,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,659,095,000, to remain available for obligation until September 30, 2009.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $180,264,000, to remain available for obligation until September 30, 2009.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,352,746,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $2,489,094,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $22,957,184,000, of which $22,140,381,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2009; of which $363,011,000, to remain available for obligation until September 30, 2010, shall be for procurement; and of which $453,792,000, to remain available for obligation until September 30, 2009, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,455,724,000, of which $1,198,086,000 shall be for operation and maintenance; $36,426,000 shall be for procurement, to remain available until September 30, 2010; $221,212,000 shall be for research, development, test and evaluation, of which $211,190,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2009; and no less than $124,618,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,373,000 shall be for activities on military installations and of which $88,245,000, to remain available until September 30, 2009, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $945,772,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $500,000,000, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, not more than $110,000,000 shall be available for operating and administrative expenses: *Provided further*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $239,995,000, of which $238,995,000 shall be for operation and maintenance, of which not to exceed $1,000,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2010, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $262,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $683,276,000: *Provided*, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for procurement shall remain available until September 30, 2010 and $1,000,000 for research, development, test and evaluation shall remain available until September 30, 2009: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,200,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2008: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2008: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix and the supporting justification materials submitted to the Committees on Appropriations of the Senate and the House of Representatives for the respective appropriations; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8009. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Army CH–47 Chinook Helicopter; M1A2 Abrams System Enhancement Package upgrades; M2A3/M3A3 Bradley upgrades; and SSN Virginia Class Submarine.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 2008, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2009.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this

option prior to October 1, 1987: *Provided further,* That this section applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8019. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided,* That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further,* That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESSIONS:

Strike section 8020.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment would strike section 8020 of this legislation which would have the same anticompetitive effect as language already included in almost every other one of the Democrat majority's appropriations bill by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for commercial jobs by limiting the Defense Department's ability to spend money on this taxpayer friendly activity by putting arbitrary time constraints on the length of time that these studies can take place.

While this policy may be good for increasing dues to the public sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress uses this opportunity to take competition away from them.

In 2006, Federal agencies competed only 1.7 percent of their commercial workforce which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate a savings of $1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions completed since 2003 are expected to produce almost $7 billion in saving to taxpayers over the next 10 years. This means that taxpayers will receive a return of almost $31 for every dollar spent on competition with annualized expected savings of more than $1 billion.

This provision is obviously intended to stall public-private competitions for an entire fiscal year rather than allowing a proven process to work as it was intended, and it would harm taxpayers by denying the Department of Defense the ability to focus its scarce resources and funds and expertise on its core mission.

This concerted effort to prevent competitive sourcing from taking place at the Department of Defense demonstrates that the Democrat leadership is hearing clearly from labor bosses that the Defense Appropriations bill represents simply another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of the tools it can to find taxpayer savings and to reduce the cost of services that are already being provided by thousands of hardworking companies nationwide.

I urge all of my colleagues to support this commonsense, taxpayer-first amendment to oppose the underlying provision to benefit public sector union bosses by keeping cost-saving competition available to the government.

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

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

Mr. MURTHA. I claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MURTHA. I appreciate what the gentleman is trying to do. We have carried this provision for years and years through both Republican and Democratic administrations. We oppose the amendment.

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

Mr. SESSIONS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided,* That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $31,355,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $23,753,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $6,727,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $875,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided,* That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2008 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2008, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided,* That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2009 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $57,725,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2008. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30,

1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8029. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds made available in this Act under the heading ''Defense Production Act Purchases'', not less than $23,000,000 shall be made available for the competitive, domestic expansion of essential vacuum induction melting furnace capacity and vacuum arc remelting furnace capacity for military aerospace and other defense applications: *Provided*, That the operator must be experienced and qualified in the production of iron-based vacuum induction melting steel and vacuum arc remelting steel: *Provided further*, That the facility must be owned and operated by an approved supplier to the military departments and to defense industry original equipment manufacturers.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to ensure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference to accompany the conference report accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Aircraft Procurement, Air Force, 2006/2008'', $25,786,000;

''Aircraft Procurement, Air Force, 2007/2009'', $51,000,000;

''Research, Development, Test and Evaluation, Navy, 2007/2008'', $24,000,000;

''Research, Development, Test and Evaluation, Air Force, 2007/2008'', $142,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2007/2008'', $125,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions

are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of the Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and

funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law or this Act, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start joint concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. Beginning in the current fiscal year and thereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an

entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of one year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $34,500,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2008.

SEC. 8075. In addition to amounts provided elsewhere in this Act, $15,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $150,572,000 shall be for the Arrow missile defense program: *Provided*, That of this amount, $37,383,000 shall be for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures; $26,000,000 shall be available for the Short Range Ballistic Missile Defense (SRBMD) program; and, $26,000,000 shall be available only for risk mitigation and preliminary design activities for an upper-tier component to the Israeli Missile Defense Architecture: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $511,474,000 shall be available until September 30, 2008, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading ''Shipbuilding and Conversion, Navy, 2001/2008'':

Carrier Replacement Program, $336,475,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2002/2008'':

New SSN, $45,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2003/2008'':

New SSN, $40,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2004/2008'':

New SSN, $24,000,000; and

Under the heading ''Shipbuilding and Conversion, Navy, 2005/2009'':

LPD–17 Amphibious Transport Dock Ship Program, $65,999,000.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Psychology Aides and Technicians, Social Workers, Social Services Assistants and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 8081. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, the amount of $990,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $990,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8083. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: *Provided*, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than eight Stryker Brigade Combat Teams.

SEC. 8084. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $70,000,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $25,000,000 to the United Service Organizations; $25,000,000 to the Red Cross; $5,000,000 for the SOAR Virtual School District; $3,500,000 for Harnett County/Fort Bragg, North Carolina infrastructure improvements; $2,500,000 to The Presidio Trust; $1,500,000 to the National Bureau of Asian Research; $6,000,000 to the Jamaica Bay Unit of Gateway National Recreation Area; and, $1,500,000 to the Red Cross Consolidated Blood Services Facility.

SEC. 8085. The budget of the President for fiscal year 2009 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for the costs of United States Armed Forces' named operations exceeding an estimated cost of $100,000,000 for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each named operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each named operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each named operation: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all named operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8088. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8089. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8091. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8092. Hereafter, the Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8093. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $126,787,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8094. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8095. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8096. Appropriations available to the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes may be used for such purchase, up to a limit of $250,000 per vehicle, notwithstanding other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8097. Supervision and administration costs associated with construction projects outside the United States funded with appropriations available for operation and maintenance, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 8098. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2009.

SEC. 8099. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8100. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8101. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. In addition to funds made available elsewhere in this Act, there is hereby appropriated $200,000,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to

the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8103. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 8104. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 8105. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 20 percent of the total direct cost of the contract, grant, or agreement (or similar arrangement) if the purpose of such contract, grant, or agreement (or similar arrangement) is to carry out a program or programs of mutual interest between the two parties: *Provided*, That this limitation shall apply only to funds made available in this Act for basic research.

SEC. 8106. Any request for funds for a fiscal year after fiscal year 2008 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, shall be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 8108. Not more than 90 percent of the funds appropriated to the Department of Defense for contracted services under title II of this Act shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees the report required by section 3305 of title III of Public Law 110–28 (121 Stat. 136).

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 96, line 12, strike ''$2,500,000 to The Presidio Trust;''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I rise today to once again make the case that earmarking is out of control in these bills.

This Defense bill that we are discussing tonight has more than 1,300 earmarks. The notion that this was adequately vetted and scrubbed, that these earmarks had proper review is simply not reasonable. There is no way they could have in this short amount of time.

When you read through this bill, you have to chuckle at the creative way that some of these projects have been cast in order to appear that there is some defense application.

Just to highlight a couple, there is one earmark in here for a cold weather hand protection system. What could that be? That is a glove to you and me, sold at any outdoor outfitters store. But in here, it is a cold weather hand protection system, and we are going to be giving an earmark to a private company to sell gloves.

There are more. There is another earmark for a light-weight foam sleep pad project. What is that? It sounds like nothing more than a mattress. It is one that self-inflates that scouts have been using for years and years and years. And yet we are giving an earmark to a private company to provide it to the Defense Department. Why are we doing that? There are 1,300 earmarks in this bill, many of them like this.

Let me get to the first one I am challenging tonight.

This amendment would prohibit $2.5 million from being used to restore the parade ground in the center of the Presidio's Main Post, and reduce funding for the overall bill by a consistent amount. This is just one of a long parade of earmarks in the bill.

The Presidio is located in San Francisco, one of the oldest continuously used military posts in the Nation. In 1996, Congress turned the bulk of the Presidio, including the large Main Post area, over to a congressionally chartered nonprofit organization called The Presidio Trust to be managed with the National Park Service.

In a unique arrangement, the main objective is to achieve financial self-sufficiency by the year 2013 largely by renting out housing and leasing land to businesses. It has been quite successful in this. The San Francisco Chronicle noted last year the Presidio was becoming a scenic enclave where only the well-healed need apply with some houses being rented for more than $4,000 a month. That is high, even by California standards.

This earmark raises a number of troubling questions, not the least of which is why an earmark for a park managed in partnership with the National Park Service is receiving an earmark in the Defense Appropriations bill. The Defense Appropriations bill, I think we all agree, is for the troops. Yet here we are bleeding off funds to spend money on an earmark that has been funded in prior bills for a project managed with the National Park Service. I am sure taxpayers would like to hear a good explanation for this. Why are we doing it in the Defense bill?

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

Mr. MURTHA. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Mr. Chairman, we put money in where there used to be bases before it went to the Park Service to be sure they were secure for the Park Service, so I oppose the amendment.

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

Mr. FLAKE. Mr. Chairman, may I ask the gentleman who is the sponsor of the earmark?

The CHAIRMAN. The gentleman from Arizona controls the time.

Mr. FLAKE. I would yield to the gentleman if he would tell us who the sponsor of the earmark is.

Well, I guess I will since he won't. The sponsor is the Speaker of the House, and I would hope that the sponsor of the earmark would come and defend this. Why are we earmarking defense dollars for a project managed in cooperation with the National Park Service, a project that is receiving millions and millions of dollars from the outside in a very high-rent district in San Francisco. That doesn't seem right, yet we are doing it.

And this is indicative of a lot of the earmarks that are going into this bill. It is perhaps not surprising that there isn't much of a defense for this. But I would think even if it is nearly 11 on the last day of the session that the taxpayers deserve a little better than this.

I have a few more earmarks and we will talk a little more about this. But it just seems wrong when you come up with high-sounding words to make the earmarks sound like they are more important.

I started thinking that if this podium right here were described in the defense bill, it would be referred to as a multi-purpose, ad hoc self-generating, voice-projection platform. Or this pen might be a stenographic multi-functional polymer language communication system.

If you name things like this, you might get funding in this defense bill. And people might laugh, but we do it year after year after year, and it grows. People will point out that there are fewer earmarks in this bill than there were in the past couple of years. That is true, and it is a good thing. But it is still too much.

How can we exercise proper oversight when we are spending money like this?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 8109. Of the funds made available under the heading ''Operation and Maintenance, Defense-Wide'', up to $30,000,000 may be available for financial assistance to eligible local education agencies pursuant to section 386 of Public Law 102–484.

AMENDMENT NO. 4 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ISSA:

At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program (as defined in in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))) for a fiscal year.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Chairman, I won't need 5 minutes.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We will accept the amendment.

Mr. ISSA. Mr. Chairman, I can take ''yes'' for an answer. Thank you both very much.

The Issa amendment simply prevents the Intelligence portion of the DOD Appropriations bill to be made public.

The budget total for the National Intelligence Program is now authorized to be made public in a provision that was included in the conference report to H.R. 1.

No amendments were allowed during the Conference to fix this problem. The original House-passed version of H.R. 1 did not include this provision.

With so many threats to our Nation's security, it makes no sense to disclose vital information to our enemies.

Traditionally, this number has remained classified for good reason.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The amendment was agreed to.

□ 2300

AMENDMENT OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANKS of Arizona:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amounts made available under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Research, Development, Test and Evaluation, Defense-wide'', and increasing the amounts made available under that heading, by $97,200,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, praise is due to certain Members on the Appropriations Committee on both sides of this aisle who had the foresight and the wisdom to fund key missile defense systems in the President's budget.

We must remind ourselves that in 2006 alone there were close to 100 foreign ballistic missiles launched around the world. In an age of terrorism, when rogue states and non-State entities can acquire these dangerous missiles, we must prepare a defense for our homeland, for our deployed war fighters and for our friends and allies.

The Appropriations Committee preserved the Airborne Laser, which is a system often deemed futuristic or far-term, but as many of us know, ABL is a magnificent ballistic missile defense system that has now been built and continues to successfully meet its knowledge points. And thanks to the ingenuity and hard work of dedicated Americans, Airborne Laser will soon play a critical role in helping us to meet the evolving threat of ballistic missiles.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. FRANKS of Arizona. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. You can see the hearings we've had on this issue. We felt that the missile defense cuts we made were because of schedule more than anything else, and I appreciate your determination to put it in. We'll take another look at conference, but right now we are convinced, and you can see the hearings we've had this year. We started on January 17. We just don't feel this is necessary at this point. It was a cut made on schedule more than anything else.

Mr. FRANKS of Arizona. Mr. Chairman, are you saying that the cuts would be restored?

Mr. MURTHA. No. What I will say to you is that we'll look at it in conference, but we believe that we did the right thing. We believe we cut it because of the schedule.

Mr. FRANKS of Arizona. Mr. Chairman, you may be confused here. We're not talking about ABL here. I was just getting to the next. I was thanking you for restoring ABL.

Mr. MURTHA. No, no. We think we made the right cut because of the schedule. You understand what I'm saying? And we'll look at it in conference.

Mr. FRANKS of Arizona. Mr. Chairman, if the distinguished chairman of the appropriations committee is saying that the cuts would be restored, then I'm willing to withdraw the amendment. If that's not what he's saying, then I need to go ahead and offer the amendment.

Mr. MURTHA. They may very well be, but I can't assure you of that at this point. What I'm saying is we'll look at it in conference. We always negotiate these things. Right now, as we see it in the schedule after the hearings, the staff and the committee decided that this was a good cut.

Mr. FRANKS of Arizona. Mr. Chairman, that may be. Let me go ahead and finish here with my comments, and then I'll ask the Appropriations chairman what he feels like would be appropriate at that time.

I'm also grateful, Mr. Chairman, that we've taken vital steps for greater cooperation with Israeli ballistic missile defense because I believe that will play a critical role in future pieces of the human family.

Having said that, I'm incredibly concerned tonight that the $97.2 million that was cut from the only existing active defense system this Nation has against intercontinental ballistic missiles is a dangerous cut. This is not a far-term system. In fact, this is not a near-term system. It is a current system and the only one we have to defend this Nation against intercontinental ballistic missiles. This $97.2 million cut is inconsistent with even the Democrats' view on the House Armed Services Committee for their support for short-term programs and near-term programs, and it directly conflicts with the legislation passed in last year's National Defense Authorization advocating Department of Defense focus on near-term capabilities.

This amendment would restore the $97.2 million for ground-based, midcourse defense without increasing any dollars to the Defense bill. The offset is from research and development defense-wide, which has over $20 billion in the account.

Mr. Chairman, this country must plan on being surprised by our enemies. In 1998, intelligence experts indicated that North Korea was years away from fielding multistage rockets. That very next month they demonstrated that capability when, on July 4 of the American Independence Day, North Korea brazenly launched a long-range ballistic missile.

Americans witnessed for the first time that day their country activate a missile defense system to protect our

homeland against intercontinental ballistic missiles. It is clear that North Korea was using these missiles for coercion and intimidation, and I would ask that we neutralize their ability to do that and bring critical protection to Americans and our homeland by fully supporting the GMB system we currently have.

Now, I would yield to the chairman if he has any thoughts.

Mr. MURTHA. I appreciate what the gentleman is saying. We don't know where the cuts would come from, whether they're critical research or not, and I would ask the gentleman, we're just as concerned as you are about missile defense. We're trying to make sure we have the adequate amount, and in conference, we will take another look at it.

Mr. FRANKS of Arizona. Reclaiming my time, Mr. Chairman, in sincere and due respect, if the concern were as great as mine, this $97.2 million would not have been cut.

I move the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman's time has expired.

Mr. MURTHA. I rise in opposition to the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds appropriated by this Act may be used to waive or modify regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MURTHA. If the gentleman would yield, we have no problem with the amendment.

Mr. INSLEE. Thank you. I just note Mr. VAN HOLLEN, Mr. JONES and I are offering this amendment to protect our civil workers, and thanks to the Chair for his consideration of this issue.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of this amendment to defund the National Security Personnel System, NSPS.

The Comptroller General of the United States, David Walker, and the staff at the Government Accounting Office, GAO has analyzed the development of NSPS. In published reports and testimony before Congress, Mr. Walker has criticized the manner in which the Department of Defense, DOD, has failed to effectively manage the design and implementation of NSPS.

On July 16, 2007 GAO released a report supporting Defense unions' contention that DOD has been underestimating the cost of implementing NSPS. According to the report, GAO found that DOD's November 2005 estimate that it will cost $158 million to implement NSPS "does not include the full cost that the department expects to incur as a result of implementing the new system."

The report also concluded that the total amount of funds the department spent on NSPS during fiscal years 2005 and 2006 cannot be determined because DOD has not established an effective oversight mechanism to ensure that all these costs are fully captured. Because of this extreme mismanagement, we will never know how much DOD spent trying to implement NSPS, although the total amount likely runs into the billions of dollars.

For this, and many other reasons, Congress should not provide funding for the implementation of this misguided endeavor.

Mr. VAN HOLLEN. Mr. Chairman, I'm pleased to join my colleagues Representative JAY INSLEE and Representative WALTER JONES in offering this important bipartisan amendment today.

Our Federal workforce is comprised of hardworking public servants who deserve respect on the job and fairness in matters of personnel. Over the past several years, it has become increasingly clear that the Defense Department's alternative human resources regime known as the National Security Personnel System (NSPS) provides neither—and therefore should not be supported in this legislation.

The NSPS was originally authorized in the FY 2004 Defense authorization bill at the request of the political leadership in the Pentagon with the understanding that the new authority would be exercised consistent with congressional intent and in consultation with the legitimate representatives of the Nation's 700,000 DoD workforce. For all intents and purposes, that hasn't happened. The Pentagon has, for example, ignored Congress' requirement that an independent entity arbitrate certain disputes between management and labor. And DoD has brushed aside provisions mandating the use of a merit system protection board with independent judgment.

As a consequence, the NSPS has been mired in lawsuits, and this House has now acted twice to curtail the program: first, by passing an essentially identical limitation amendment by voice vote during consideration of last year's Defense appropriations bill; and second, by effectively eliminating authority for the NSPS in this year's Defense authorization legislation. If that weren't enough, the Government Accountability Office (GAO) recently reported that it couldn't even figure out how much money the Defense Department was actually spending on the NSPS because "DoD has not established an effective oversight mechanism to ensure that all these costs are fully captured."

Mr. Chairman, I urge my colleagues' support for this amendment.

Mr. INSLEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment pertaining to leave.

Mr. MURTHA. Mr. Chairman, I reserve a point or order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. CASTLE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. Funds made available under title II of this Act shall be used to credit each member of the Armed Forces, including each member of a reserve component, with one additional day of leave for every month of the member's most recent previous deployment in a combat zone.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I'm informed that the point of order will probably be upheld here, but I would like to make this point before I withdraw the amendment.

Today, all members of the Armed Forces, including those serving in the Guard and Reserves, receive two-and-a-half days of leave time per month, regardless of whether they're deployed in Iraq or back in the U.S. or at their home base.

My amendment would simply credit soldiers one additional day of leave time for every month that they are deployed in a combat zone, and this could be used when they return Stateside. We learned this from speaking to a soldier in particular by e-mail and to soldiers more specifically about it, and realized that with some of the mental health problems which are going on, the extra leave time, not time on standby but actual leave time, would be good as far as our soldiers are concerned, and so decided we wanted to push it.

We tried to do it in the Tauscher bill a couple of days ago, and unfortunately, the Rules Committee did not accept it. And I tried to put it in this Defense appropriations bill, and I realize it might have limitations as far as the point of order is concerned.

But I think it's an important question, and I just wanted to appeal to the chairman and to the ranking member to consider this perhaps in conference, perhaps at some other time, perhaps somebody else can borrow it. I just believe it's something we ought to be thinking about doing for our soldiers who have been called back on a fairly repetitive rotating basis. In my judgment, they would benefit from this extra leave time.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I say to the gentleman I certainly agree with what it is that he's attempting to do, but it is subject to a point of order. But I can assure the gentleman that during the conference that we will address this very important issue.

Mr. CASTLE. I thank the gentleman from Florida.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I agree with the gentleman. The gentleman's got an important point, and we will certainly consider it in conference.

Mr. CASTLE. Mr. Chairman, I thank both the distinguished gentlemen for their points.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WALBERG:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. WALBERG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I rise today to offer an amendment to the Department of Defense appropriations bill that is straightforward, as the amendment simply states this: ''None of the funds made available in this Act may be used to award a grant or contract based on the race, ethnicity, or sex of the grant applicant or prospective contractor.''

I was glad a similar amendment passed unanimously last week on the Transportation, Housing and Urban Development appropriations bill, with the acceptance of the Chairman of Appropriations.

Government contracts and grants should be awarded on the basis of work, quality and cost, and all firms should have an equal opportunity to compete for taxpayer-funded projects.

I urge my colleagues to support this amendment.

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

Mr. MURTHA. Mr. Chairman, I appreciate what the gentleman's doing, but this cuts out all the minority contracts which have been so valuable and so important to the defense industry in saving money.

I oppose the amendment.

Mr. WALBERG. Mr. Chairman, I appreciate the concern of the chairman. However, it is a fact that this cuts out none of the minority contractors, small business contractors. They still have the great number of programs that they can use in the process of contracting.

Throughout the government, contracts and grants are awarded with preference given on the basis of race, sex and ethnicity instead of on the basis of work, craftsmanship and cost.

Though this policy may be motivated by good intentions, I agree with Justice Clarence Thomas about preferences in government contracting based on race, sex, and ethnicity when he stated, ''The paternalism that appears to lie at the heart of this program is at war with the principle of inherent equality that underlies and infuses our Constitution,'' as well as, I might add, the quality of our armed services.

The Federal Government continues to engage in these preferences via set-asides to contractors.

Last fall, in my home State, Michiganders voted overwhelmingly, 58 percent to 42 percent, in favor of amending our State Constitution to outlaw racial preferences in public education, employment and contracting.

Like my constituents in south-central Michigan, I oppose any and all forms of discrimination, but I also support nondiscrimination, the practice or policy of refraining from discrimination.

Once again, the Federal Government is behind State governments in creating equal opportunity for all Americans, as Michigan followed California and Washington banning discrimination in education, contracting and hiring.

My support of nondiscrimination compels me to continue working against discrimination in government policies because every American deserves equal treatment when competing for business contracts, and our Federal Government should treat all applicants for such contracts on an equal basis.

This amendment would require the Department of Defense to make contracting decisions based on the quality of work of a firm, the cost, and equality among firms. It should be noted that this amendment has no impact on programs directed at small business operated by veterans and those with disabilities.

I believe this commonsense amendment will help ensure that all American businesses and individuals competing for public work projects are given a fair, nondiscriminatory opportunity, and I urge its adoption.

Mr. Chairman, I yield back my time.

Mr. MURTHA. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

□ 2315

AMENDMENT NO. 18 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''Research, Development, Test and Evaluation, Army'' may be used for the Paint Shield for Protecting People from Microbial Threats.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this is an earmark ostensibly for a ''Paint Shield for Protecting People Against Microbial Threats'' for $2 million. Apparently this $2 million will be going to the Sherwin-Williams paint company in Cleveland, Ohio.

I actually have a couple of questions either for the sponsor of the earmark or for the chairman of the committee.

I guess my first question would be, and I am happy to yield to whomever would like to answer it, is this something that military leadership has asked for?

Mr. MURTHA. This is a very worthwhile project. Let me say to the gentleman, you see the number of hearings we have had, and the number of earmarks. Our staff went over every one of these earmarks very carefully.

It's not on our highest priority list, but I'm sure that the military is interested in this kind of research, because it's so important to the military.

Mr. CAMPBELL of California. If I may inquire further, Mr. Chairman, you said you are sure the military, so you are not aware if, in fact, the military has asked for this kind of technology? I guess the answer to that is no.

The next question I would have is what investigations have been done to determine that this technology could actually even be effective.

Mr. MURTHA. Let me mention to the gentleman, we have a $459 billion bill.

We look at every one. We ask the Members to vet them. Our staff vets them. We go over every single earmark.

We don't apologize for them because we think the Members know as much about what goes on in their district as much as the bureaucrats and the Defense Department.

Mr. CAMPBELL of California. Then I am sure if the gentleman goes over every single one, he can answer the questions, what investigations, what research has been done to determine that this technology is effective and is worth $2 million of taxpayers' funds?

If you investigate every earmark, I have a couple of other questions. Sherwin-Williams is not the only maker of paint in the country. How did we know, and what was determined that Sherwin-Williams was the best or the right supplier, if you assume that the military asked for it and the technology was effective?

Mr. MURTHA. I don't represent Sherwin-Williams. I don't know what paint company you represent, but we know they are a very qualified contractor.

Mr. CAMPBELL of California. I thank you. Again, my question was, I am sure, they are obviously a well-known qualified paint company. By the way, I don't represent any paint companies, to my knowledge, none whatsoever.

So my question is, how do we know they are the best for this particular product?

I guess I would follow it up with how do we know, if we even knew that, how do we know that $2 million is the right amount. Was there some investigation, some research done to determine that $2 million was the right amount?

Mr. MURTHA. Every one of these earmarks are competitively granted under the regulations of the Defense Department. We depend on them to competitively check them over, and they do.

Mr. CAMPBELL of California. Let me ask, though, but then why is it, if they are competitively bid, that this one is going to Sherwin-Williams paint company?

Mr. MURTHA. There is no guarantee.

Mr. CAMPBELL of California. Well, I think Sherwin-Williams thinks there is, by the way.

Then the final question I would have for the gentleman would be if this $2 million goes to Sherwin-Williams to develop this product, and they, in fact, develop it, will the taxpayers own that product? Is that then a product, a license, something that the taxpayers own?

Mr. MURTHA. Absolutely.

Mr. CAMPBELL of California. So the taxpayers will not have to pay for the use of that product in the future.

Mr. MURTHA. They do it all the time.

Mr. CAMPBELL of California. What evidence of that is there, if I may ask? What do the taxpayers get for this $2 million as evidence of their ownership of this product or technology?

Mr. MURTHA. Let me tell you, we have added, we have added all kinds of money for body armor, for paint, for the gentleman from Ohio, predecessors, one of your predecessors was always looking for new ways, new developments. Small business has been the real impetus for these things happening. Big business takes it on. We do the research and development because it benefits the troops. That's the reason we do this.

The CHAIRMAN. The gentleman's time has expired.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL from California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''Research, Development, Test and Evaluation, Navy'' may be used for the Swimmer Detection Sonar Network.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this particular earmark is for a swimmer detection sonar network for $1.5 million. The company developing this technology is in New Hampshire.

Interestingly, there are about three other companies that do a similar technology or do something intended to do the same thing, which is detect people swimming in the water up towards a ship, at least three others that we have determined, and one of which is currently being used by the Coast Guard that doesn't use sonar but already is in place and in effect.

Mr. Chairman, I could ask the same series of questions of the chairman of the committee on this earmark that I did on the last. I won't do that, because the point of this, frankly, is not that this particular earmark is particularly egregious, nor, frankly, that the previous one that I brought up was particularly egregious.

I believe that there are literally hundreds of earmarks like these offered by many members in this Defense Appropriations Committee.

The reason I am bringing these forward is because of a personal experience I had when a defense contractor came to me in my first few months in office and came forward with an earmark, and I asked these questions.

I said, does the military want this, or, have you developed something you want me to give you $2 million of the taxpayers' money for something the military doesn't want?

Then I said how do I know that your technology will work? How do I know that this $2 million is effective in curing or dealing with the situation that you claim you want it to be? Then I said how do I know you are the right supplier? It's great that you are in my district, that's wonderful, I think that's fine you have those jobs, but how do I know the best supplier is not in Pennsylvania? How do I know the best supplier is not in Connecticut? How do I know you're the right company to do this?

Then I said, even if I did, how do I know that $3 million is the right price? How do I know that it doesn't cost you $50,000 to develop this thing, and you are making $2,950,000 off the American taxpayer. Then if you do, is the American taxpayer going to get this product for free, because if we pay for it, we should.

That is the point of what I am doing here. When you look at all of these earmarks, those five questions, in my view, should be asked on every single earmark that goes to a private company that is in this defense bill or, frankly, any other bill.

If the answer to all five of these questions is not yes, I don't care if it's a company in my district, or the chairman's district or anybody's district, we should not be using taxpayers' funds for it.

I will tell you that I told that defense supplier and every defense supplier in my district that I met with, no. Because they could not give me a yes answer to all five of those questions.

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

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Mr. Chairman, in this particular case we are looking for is sensors to protect against the type of thing that happened in Yemen with the USS *Cole*. We have a lot of people working on this, and we hope that we will be able to develop a system that will protect against that kind of swimmers for those kinds of ships.

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

Mr. CAMPBELL of California. May I inquire how much time I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from California has 2 minutes remaining.

Mr. CAMPBELL of California. Mr. Chairman, I understand, but there are a number, there are at least three, and I am not on the committee, and I didn't do exhaustive research, there are three others of these currently in use and currently in development. The Coast Guard, at least, apparently, believes that their system is better than this system.

So my question is, for this sort of earmark, are we going to fund, if there were a company, and all 435 of our districts that was interested in developing this thing, should we give them all $1.5 million and see who wins?

I just don't think that this earmark, or, as I have said, hundreds of others out of the 1,300 that are in this bill, really meet the scrutiny when we are using taxpayer money and giving it to private companies to develop this stuff without the proper scrutiny in terms of this technology, did the military ask for it, is it effective, is it the right supplier, is it the right price and what do the taxpayers own when they are done paying for it.

I ask for an ''aye'' vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. None of the funds made available in this Act may be used for Marine Desalination Systems, Inc., in St. Petersburg, Florida.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair. That last discussion was remarkable, just remarkable.

I would gladly yield time to anybody who agrees with the chairman of the Appropriations Subcommittee that, one, that these earmarks are competitively bid. Anybody in agreement here; or, two, that the U.S. taxpayer, after paying for these earmarks, has rights to the technology that developed these earmarks.

Any takers there? I didn't think so.

I think that is simply wrong. That is simply wrong.

An earmark, by very definition, is a sole source contract. It is circumventing the competitive bidding process.

Maybe you don't like what the bureaucrats over in the Defense Department do, but to say that this is a competitively bid contract is simply wrong. To say that the U.S. taxpayer has rights to the technology developed with the companies that are getting these earmarks, is simply wrong as well.

If anybody can contradict, please take time. But let's not defend these earmarks on that basis when that's simply wrong.

Any way, let's get to this one.

This earmark, I am sorry, this amendment would eliminate $1 million for the Marine Desalination Systems, Inc., in St. Petersburg, Florida, for atmospheric water harvesting and reduce the cost of the bill by a corresponding amount.

The earmark described in the certification letter submitted to the committee by the sponsor informs us that this earmark would be used to fund lightweight, low power expeditionary water production.

According to the Web site of the entity, Marine Desalination Systems is a corporation that develops new technologies to create inexpensive, potable water, to bring to market.

Again, I have the same issue that the last gentleman to offer amendments did, the gentleman from California. Why are we singling out this one company for this project or this earmark?

I would ask similar questions to the ones he asked, but these, I think, are more in the defense speak that goes with the language in this bill.

Was this project palmed, which means, is it a program of memorandum? I would ask the sponsor that.

Is it on any unfunded requirement list? Number 3, does any operator in the field say that we need this particular program or technology from this particular company? I would love to hear the answer to any of those questions from the sponsor of the earmark.

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

Mr. YOUNG of Florida. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. YOUNG of Florida. The gentleman caught my attention when he said St. Petersburg, Florida, if that's where that company is located. I assume that it is because when I submitted the request in full transparency, I said it was from St. Petersburg, Florida.

This is a program that is important to the military. This is a defense-related issue.

□ 2330

What this program is, is providing water for our troops in the field where there is no water. We have reverse osmosis. To do that, you have got to have some kind of liquid. We have desalinization. To do that you, have got to have saltwater. But how about getting water where there is none present? How about getting water out of the atmosphere? Because there is water in the atmosphere. And this company has proved they can do it. And this company's product is being tested at Aberdeen Proving Grounds by the United States Army.

Now, I suggest to the gentleman, do we really want to deny our troops the opportunity to have a system that provides water from the air? And it works. It is working in Aberdeen. Do you really want to deny troops the opportunity to have a portable unit that will provide water for troops that are deployed in outrageous places where there is no water? If that is what you want to do, then you should vote for this amendment. I am opposed to the amendment.

Mr. MURTHA. If the gentleman would yield, I also oppose the amendment.

Mr. YOUNG of Florida. I yield back the balance of my time.

Mr. FLAKE. Let me just finish. Nobody is trying to deny anybody any water, certainly not somebody from Arizona. But the question remains, was this a program of memorandum? Is it on any unfunded requirement list? Does any operator in the field say that we need this particular program or technology from this particular company?

I would be glad to yield.

Mr. YOUNG of Florida. Let me give you the type of question you are asking. Last year, I was chairman of this subcommittee. Last year, we had a request through the administration for a supplemental of $70 billion. We asked the administration, what would you like to include in that $70 billion? What did you need? We didn't get an answer.

We didn't get an answer, so after repeated requests we had to go to the services who were fighting the war and say to them, what do you need? And we identified those items and we put them in that $70 billion supplemental, which most of us voted for. So I was responsible for and got credit for a $70 billion earmark. Everything is not black and white in this world.

And so I say to the gentleman, I appreciate his tenacity, but I would like to have an opportunity to debate with you the many good things that have been done to defend our Nation and support our troops that have been done created by the Congress, not requested by any administration.

One of the very best earmarks that I can give you an example of off the top of my head is the Predator, the Predator that the Iraqi terrorists really hate because it hunts them down and it kills them. The Predator was a congressional earmark. The administration, the Defense Department didn't ask for it, didn't give us any support. We said we need this capability, and we

got the capability. And it is one of the best things we have going for us in the war against terror.

So I hope that begins to give the gentleman a little bit of a response about our responsibility in providing things that our military needs and our national defense needs. And I thank my friend for yielding.

Mr. FLAKE. I thank the gentleman. The question here is, why aren't we competitively bidding these projects? We have had hearing after hearing after hearing in this Congress, more so than we had in the last Congress. To our great shame, I think as Republicans we didn't have enough oversight hearings. And we bring up Halliburton constantly, with no bid contracts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. None of the funds made available in this Act may be used for Concurrent Technologies Corporation.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike all funding in the bill for Concurrent Technologies Corporation.

As you may recall, I offered an amendment last month during consideration of the Energy and Water appropriations bill to cut funding for something called the Center for Instrumental Critical Infrastructure in Pennsylvania. We did not know whether the center existed. I had a colloquy with the chairman of the subcommittee in that time. But we learned that the money is actually going to Concurrent Technologies Corporation based in Johnstown, Pennsylvania. Concurrent Technologies has been a leading earmark recipient in multiple appropriations bills over the years.

In the Energy and Water bill, Concurrent received $1 million in earmarked funds. In this bill, Concurrent is due to receive $11 million in the form of four earmarks.

Concurrent Technologies was the focus of an October 2, 2006, story in the New York Times titled, ''Trading Boats for Pork Across the House Aisle.'' According to the article, Concurrent Technologies Corporation was created by an earmark in 1988. Back then, the corporation was called the Center for Excellence in Metalworking.

The New York Times stated that the military and other Federal agencies have paid Concurrent nearly $1 billion in grants and contracts since 1999. That is $1 billion in taxpayer funds to an entity created with an earmark. That does not include the $12 million Concurrent is receiving in earmarks this year alone.

Concurrent Technologies Corporation is an earmark incubator. It was created by an earmark to get more earmarks. Without earmarks, this corporation, I think it is safe to say, would not exist.

The president of the corporation, Mr. DeVos, was quoted in the local paper saying that the sponsor has ''impressed upon the area's defense industries leaders the need to wean themselves from this aid.''

Mr. DeVos and the sponsor of the earmark have a funny way of weaning Concurrent off of Federal earmarks. The sponsor has secured $11 million more for Concurrent in this bill alone. In addition, The Washington Post reported that Mr. DeVos and his company have spent $820,000 in fees to a lobby firm seeking more Federal aid.

I would ask the sponsor of this earmark to confirm what has been reported. With regard to the defense industry's needing to wean themselves off this aid, when is that weaning going to occur? Can we assure Members of this body that there will be no more earmarks to Concurrent Technologies? Can Concurrent Technologies survive without Federal Member-sponsored earmarks?

I look forward to receiving answers to these questions.

I reserve the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURTHA. The Department of Defense, the intelligence and security communities, other Federal agencies, and industrial clients in the recent past, CTC was awarded the operations contract through full and open competition for both the National Defense Center for Environmental Excellence and the Navy Metalworking Center. The value of the two contracts, $250 million and $150 million respectively. The core funding for each is included in the President's budget.

Last year, CTC won over 50 competitive Federal awards, culminating in a $65 million contract from the Air Force Advanced Power Technology Office. I oppose the amendment.

I yield back the balance of my time.

Mr. FLAKE. The gentleman correctly stated that Concurrent has been given some Federal contracts. Then, why in the world did they need this earmark? If they are getting Federal contracts through some kind of bidding process, then why do they need continued earmarks? Which, as I mentioned, are by their very definition sole-source contracts, no-bid contracts, where we are specifying an individual firm, a business in this case, that hires a lobbyist, $820,000 paid to a lobbyist to get more Federal funds.

Where does it end? Is this any kind of process or system that we can be proud of, with these earmark incubators that survive just by getting more earmarks? I mean, how can we do that? If every district in this country had those kinds of earmark incubators, every account in the U.S. Federal Government would be earmarked, I would venture to say.

So I would say we simply have to stop this somewhere. I urge support for the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION.—None of the funds made available in this Act may be used for the Doyle Center for Manufacturing Technology.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION—Research, Development, Test and Evaluation, Air Force'' is hereby reduced by $1,500,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike $1.5 million in funding in the bill for the Doyle Center for Manufacturing Technology. The Doyle Center, which is a monument to its sponsor, is an earmark incubator, much like Concurrent Technologies, a center created out of earmarks for the sole objective for obtaining more Federal contracts or earmarks.

The center is a sister organization to a number of earmarks incubators like Concurrent Technologies, which is an entity, as mentioned before, receiving $11 million in earmark funds in the bill.

How do we know that there is a symbiotic relationship between Concurrent Technologies and the Doyle Center? For one thing, the chairman of the board of the Doyle Center is the senior vice president and chief financial officer of Concurrent Technologies. We also know that the Doyle Center and Concurrent Technologies work closely together on projects funded through earmarks. It is no surprise that they share the same leadership.

According to a recent article in The Hill, the creation of the Doyle Center is adding another layer to three nonprofit organizations devoted to a similar mission of helping spur economic development in the area, the Pennsylvania Technology Council, Pittsburgh

Technology Council, and the Catalyst Connection. The article in The Hill stated that all four groups share the same address and many of the same officers.

In addition, the Doyle Center handed over a large portion of its earmark money in 2004 to the Catalyst Connection for research. These funds came from a portion of a larger $1.36 million earmark that make up the center's entire budget for that year.

Just think of that. We are giving an earmark to a center that is funded completely with taxpayer dollars with the goal of receiving more taxpayer dollars.

A certification letter for the project says that $1.5 million in earmark money will go toward the Doyle Center. But with all these groups sharing the same address, the same money, the same officers, do we really know where the money is going?

So my answer to the sponsor to the earmark is as follows: Is the money going to the Doyle Center, the Pittsburgh Technology Council, the Catalyst Content, Connect, or the Concurrent Technologies?

I urge the adoption of the amendment.

I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. Let me just mention to the gentleman, 85 of the 90 members of the RSC receive, RSC which you just mentioned, receive earmarks in this total of this $436 million.

Mr. FLAKE. Do you want a response?

Mr. MURTHA. You were using this as an example, the RSC. You were using those as stopping earmarks.

I am just saying that the Members come to the committee. We have a $459 billion bill. We find all kinds of shortages. I will give you an example of what we just found.

I went down to five bases, sent the staff down later, and we found that they didn't have the money to take the troops back when they come back after BRAC. We put $3 billion in that. This is an earmark.

Years ago, we put a couple billion in for ships. That is an earmark, and the Navy didn't want them. And yet, the SL–7s, if we wouldn't have had them in 1991, we would not have been able to get there.

We have confidence in the Members. Under the Constitution, Congress is responsible for appropriations. They make recommendations, but it is a bureaucracy that makes recommendations. The President doesn't make recommendations. He sends long lists, the White House sends long lists over to OMB. And anybody that has worked at OMB will tell you, billions of dollars, as the gentleman knows, in requests go to OMB.

I expect the Members to vet them. We try to vet them the best we can. We know that very few earmarks are not of real value to military. If there is any, we take them out. We have had a few like that, and we take them out as soon as we can.

So I don't make apologies for having earmarks. As I say, $456 million went to the RSC. So I don't make apologies. That is the Congress' job. Less than 1 percent of the $459 billion budget in that sense was projects for Members of Congress. And I would think Members of Congress know, as well as the bureaucracy over in the Pentagon and White House know, what needs to be done. And I think the gentleman will have to agree with that.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman. I don't remember mentioning the RSC, but I appreciate the illumination. But let me just ask the Member, he has talked about the process by which these grants are given.

Let me just note, he mentioned earlier that every one of these was scrubbed by the Appropriations Committee. We had a manager's amendment that actually removed some and then put the money back somewhere else. One in particular that I had planned to actually challenge here was called the Advanced Robotic Vehicle Command and Control. I had an earlier version apparently of what came, and it was removed in a manager's amendment in committee. But then the money was taken, that same money, and given to the same Member for another earmark sponsored by that Member entitled Big Foot Airborne Receiver.

□ 2345

So the money went from that one just to another earmark sponsored by that same Member to plus that one up.

What kind of process does the committee go through? Is it that every Member is allotted a certain amount, or is it what they think the Defense Department needs?

I would be glad to yield to the Member.

Mr. MURTHA. I think that is a perfect example of the way things work. When we see something that we think is not as valuable as something else is, we change it.

Mr. FLAKE. Mr. Chairman, there is a story in the paper yesterday that mentioned how much of the funding is in this bill, and the gentleman mentioned that sometimes it is not completely accurate because the Defense Department will ask for things that are then listed as an earmark to the Member. I understand that it is not a perfect count. But still senior members of the Appropriations Committee were given up to $150 million in earmarks when other rank-and-file Members got maybe a million or 2.

Are there more needs in certain districts? Is it spread out? How does that process go? What confidence should we have as Members voting to fund these earmarks that it is on some kind of basis that bears any relationship to what the Defense Department needs rather than political calculation?

I would be glad to yield to the gentleman.

All right. I guess I will accept that as an answer. But let me just say, with regard to the Doyle Center, I would have hoped that the sponsor of the earmark would come and talk about it. But here is another example, as I mentioned, of an earmark incubator where an earmark creates an organization, in this case, named after one of our own, and the same one who it is named after gets more earmarks year after year for the same center to get more earmarks and more Federal contracts.

We simply can't sustain that. The notion that that is what the Defense Department needs simply doesn't hold water. With that, I urge adoption of the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title) insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the Lewis Center for Education Research.

(b) CORRESPONDING TRANSFER IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Operation and Maintenance, Defense-wide'', and increasing the amount made available for ''Operation and Maintenance, Defense-wide'', by $3,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is a little different from the others. The others would strike funding from the bill. This would simply redirect funding to the same account from which it was drawn.

This amendment would redirect $3 million from the Lewis Center for Educational Research to the Family Advocacy Programs in the Operations and Maintenance account.

Mr. Chairman, it seems that we are debating the Labor-HHS bill rather than the Defense appropriations bill.

Why is there a $3 million earmark in the bill for an organization with a stated goal of providing ''an opportunity for students to experience real science; to learn that science is an ongoing process, not just memorizing facts?'' I am referring, of course, to this earmark for the Lewis Center for Educational Research.

This is becoming somewhat of an annual earmark. In fact, according to the Citizens Against Government Waste database, this educational center has received earmarks in past Defense appropriation bills ranging from $2.5 million to $3.5 million in every fiscal year since 2003. According to the certification letter submitted by the sponsor, ''the funding would be used to develop on-line educational curriculum.'' The Lewis Center for Educational research is an ''educational facility designed to improve educational effectiveness and scientific literacy among American schoolchildren.'' According to its Web site, since opening in 1990, the Lewis Center has provided hands-on instructional programs for elementary, middle, and high school students throughout local communities and across the Nation.

I would ask the same questions here. Why are we providing an earmark that is to a school that is sponsored by groups like Target, Wal-Mart, Verizon, Boeing, State Farm Insurance, Southern California Edison, Lucent Technologies, and others?

This is to a school; this is a defense bill. I simply would ask why is it here in the defense bill? How does it serve our national defense? What essential Federal purpose does it serve? Should it receive any earmark funding at all? And certainly not, I would say, in a defense bill.

And then the notion that this is actually taken out of an account for Family Advocacy Programs in the Operations and Maintenance account. I would think that, given the needs that the families of our troops have, that that money would be better left in that account for that purpose than to go to what I think is a charter school for other purposes.

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

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, it is most interesting that we would have this discussion this evening. It is not my intention to spend a lot of time on this, but, nonetheless, last year we had a discussion about another project entirely near the Marine base, and I asked the gentleman if he had ever been to the Marine barracks in Washington, D.C., and he had not.

In this case to even suggest that there isn't an interest in education within the families that make up our services across the country and the world causes me almost to smile if it wasn't so painful to think that he didn't understand how important this could be to military families.

This program involves a model center, developing methods for attracting and training, developing teachers and otherwise, to encourage young people to be involved in math and science. It has now affected literally tens of thousands of students all across the country. It has had a tremendous impact upon military families who are interested in these programs. It has attracted NASA, playing a major role in the fundamental center of the success of this educational effort. Retired employees from companies like JPL volunteer time to help in this effort because it is having an effect upon science education all across America, including literally, literally, hundreds, if not thousands, of student in Arizona alone.

Last year we had this discussion. I don't want to take a lot of time, only to say that after the discussion, 50 of my colleagues decided to vote against this program and well over 300 of my friends, our colleagues, thought it was a worthwhile effort. It is indeed one of the models for attracting kids of military families dramatically to math and science across the country, and I urge a ''no'' vote on the gentleman's recommendation.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I agree with the gentleman. The gentleman was at the forefront of Predator and many other programs which the Defense Department didn't ask for.

And I want to say to the gentleman I had to find out that the young people in the schools where the bases are needed counseling. General Casey went out and found the same thing, and then he called me and said we need to take care of it. We already took care of it. We take care of all kinds of things like that.

The people that work in the hospitals that Bill and I visit all the time were hurting so badly, they needed help. We put extra money in for it.

And when you talk about programs that you may not think directly affects the Defense Department, breast cancer research, prostate cancer research, those diseases affect military families.

Diabetes. Not long ago, I asked the Air Force, How many do you think you have with diabetes in the Air Force? And they said 40,000. The Surgeon General went back and said 150,000. That is in all the families. We started a research program to see how we get them under control because it saves not only emotional strain and physical strain but it saves money.

So we do these kinds of things all the time, changing the direction of the Defense Department with health care things, with educational facilities that are important to the military.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I would be happy to yield to my chairman.

Mr. YOUNG of Florida. Chairman MURTHA has just raised an issue that reminded me in talking about earmarks and good programs. One of the best programs this Congress ever created in the health field was the National Bone Marrow Donor Program, which has saved thousands of lives, a proven system. It was created by this subcommittee with an earmark many years ago, and it saved thousands of lives.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, Mr. YOUNG is exactly correct.

I don't stand to take credit for all kinds of extra earmarks. But as long as we are talking about it, the gentleman has heard the Predator mentioned a number of times. I think the gentleman knows that the bureaucrats don't necessarily have all the answers, whether those bureaucrats happen to be in the Education Department or they happen to be in the military.

Back when we were looking at the Predator, the idea of an unmanned aerial vehicle, it was pretty clear that the Air Force was much more interested in programs where planes were flown by men than in new ideas. The Predator came along, an unmanned aerial vehicle concept, and I had to take credit, my goodness, credit that year when this became implemented for some $40 million of an earmark to advance the RDT&E, the research and development. If that $40 million had not been appropriated, Predator would not have been available in Bosnia.

Now, since then Predator has gone forward and done many a thing, and I suppose I should be taking credit for hundreds and hundreds of millions of dollars of earmarks. But in the meantime, the military does not have all the answers to all the ideas, and, indeed, neither does the Department of Education.

Mr. FLAKE. Mr. Chairman, I would simply reiterate what we are talking about here. This is a charter school that, although it has been spoken of as serving military families, it has no more of a mission to serve military families, I would suggest, than the school that my kids go to. There are military families there. But I would not presume to give an earmark to that school simply because military families might attend that school. There is nothing in the literature that we have been able to find anywhere in this school that has any specific purpose to serve military families.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. LEWIS of California. Upon examination of this program, the last time we discussed this a year ago and took the Members' time in a very late

evening, approximately 50 of your colleagues joined in your concern about this program.

It is a fabulous program, using the money very well, and I urge a ''no'' vote on the gentleman's amendment.

Mr. FLAKE. Reclaiming my time, Mr. Chairman, again, I would say that this is a charter school receiving money in the defense bill that has no more military application than any school that any of your kids or grandkids go to, and yet we are doing it. Does that have a military application? I would suggest not. And the notion that we can talk about this earmark that turned into something good or that one, but for every one of those, I would suggest that there is a company out there that would love to bid on one of these contracts that isn't given the opportunity, a company that might have technology that might turn into something good, but they can't compete because an earmark is given as a sole-source contract to another company. There are hundreds of them in this bill.

Again, an earmark is not a competitively bid project. It is a sole-source contract.

I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 0000

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. 8110. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''Intelligence Community Management Account'' is hereby reduced by $39,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would eliminate $39 million in Federal taxpayer dollars for the National Drug Intelligence Center, a project that U.S. News and World Report called ''a boondoggle.'' This amendment would also reduce the cost of the bill by a commensurate amount.

There are a number of reasons to support this amendment; primary among these is the fact that we should not spend our scarce intelligence dollars on wasteful and duplicative programs like the National Drug Intelligence Center.

This earmark has been part of a growing list of intelligence, or so-called ''black earmarks.'' I think a lot of us have long been skeptical of the practice of earmarking Intelligence accounts, and several of us have repeatedly called for the abolition of this practice. We really didn't start earmarking the Intelligence bill until, I think, around the late – nineties. And it has not gone well for us, as we know with the case of Mr. Cunningham, now serving time.

It is important to note that the practice of earmarking only began really in this case in the Intelligence bill in the 1990s.

Let me repeat, we shouldn't be earmarking the Intelligence bill this way. This was authorized in the Intelligence bill. There was an amendment offered at the time to strike it.

Many of us have been troubled, as I mentioned, with this kind of earmarking. Many of us have asked to see the unclassified version of the report that was commissioned by the Intelligence Committee about Mr. Cunningham and his ability to get Intelligence earmarks. I have not been able to get that report, an unclassified report. I, as a Member of Congress, have been denied that report, and so have all of you. That is simply not right.

The Los Angeles Times reported a couple of weeks ago, as did the Associated Press, that they had received a copy of that report, but Members of Congress have not. Yet, we still continue with the practice of earmarking Intelligence bills.

When we did the authorization bill, we didn't receive the list of earmarks in that bill until it was past time to offer amendments to the Rules Committee to strike those earmarks. So we haven't had that opportunity.

Let me say that we cannot continue to go down this road, particularly with earmarks that have been called ''duplicative and wasteful.'' The administration has tried for years to get rid of this National Drug Center. In fact, they offered $16 million in one of these bills to shut that center down; yet, still, it keeps coming back and back and back.

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

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. The Center's analytical tools were developed at NDIC and are among the best in the industry, performing over 500 missions involving drug trafficking, money laundering, terrorism, fraud in the health care industry, and child abduction. Today, the NDIC document exploitation program analysts are supporting the U.S. Army to facilitate criminal investigations being conducted in Iraq.

NDIC developed computer software. It was recently adopted by the U.S. Army in Iraq to exploit valuable information from captured computers of insurgents and members of al Qaeda.

And let me say to the gentleman how this started. President Bush felt we needed a centralized place, and they wanted to put it in Washington. I felt, with a new communications, we didn't need it in Washington, and they decided to put it in Johnstown, and I think it has done very well. And we have argued this before, so I oppose the amendment.

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

Mr. FLAKE. I would just ask the gentleman, while he's still standing, I would yield to the gentleman to simply ask, has the Bush administration requested that this be shut down?

Mr. MURTHA. Let me tell you, the Bush administration made a few mistakes in the past.

Mr. FLAKE. Does the gentleman presume to know more about this specific subject and know of a reason why this should remain in effect when the administration is saying that it should be shut down because it is duplicative and wasteful?

Mr. MURTHA. The administration says a lot of things that I disagree with.

Mr. FLAKE. I have nothing to add to that.

Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 10 by Mr. SESSIONS of Texas.

An amendment by Mr. FLAKE of Arizona regarding Presidio Trust.

An amendment by Mr. FRANKS of Arizona.

Amendment No. 6 by Mr. WALBERG of Michigan.

Amendment No. 18 by Mr. CAMPBELL of California.

An amendment by Mr. FLAKE of Arizona regarding Doyle Center.

An amendment by Mr. FLAKE of Arizona regarding Lewis Center.

An amendment by Mr. FLAKE of Arizona regarding National Drug Intelligence Center.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 259, not voting 30, as follows:

[Roll No. 838]

AYES—148

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hulshof
Inglis (SC)
Issa
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOES—259

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (AL)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—30

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jefferson
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
Kuhl (NY)
LaHood
Lantos
Paul
Saxton
Skelton
Stark
Sullivan
Tancredo
Young (AK)

□ 0027

Mr. COLE of Oklahoma, Ms. HERSETH SANDLIN, Mr. MCNERNEY and Mr. STUPAK changed their vote from ''aye to ''no.''

Mr. BAKER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Presidio Trust on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of 2-minute votes.

The vote was taken by electronic device, and there were—ayes 94, noes 311, not voting 32, as follows:

[Roll No. 839]

AYES—94

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Duncan
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
LaTourette
Linder
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Poe
Price (GA)
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Westmoreland
Wilson (SC)
Wolf

NOES—311

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge

Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—32

Becerra
Bordallo
Capuano
Clarke
Clay
Coble
Crenshaw
Crowley
Davis, Jo Ann
DeFazio
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Herger
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Murphy, Patrick
Paul
Saxton
Skelton
Stark
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains.

□ 0030

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANKS OF ARIZONA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of votes. Time limits will be strictly enforced.

The vote was taken by electronic device, and there were—ayes 161, noes 249, not voting 27, as follows:

[Roll No. 840]

AYES—161

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cramer
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
King (IA)
King (NY)
Kline (MN)
Lamborn
Lampson
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf

NOES—249

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
Kingston
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Stark
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains.

□ 0035

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. WALBERG

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. WALBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of 2-minute votes.

The vote was taken by electronic device, and there were—ayes 126, noes 284, not voting 27, as follows:

[Roll No. 841]

AYES—126

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thornberry
Upton
Walberg
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—284

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Kirk
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Stark
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains.

□ 0039

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote. Members are encouraged to remain on the floor for this series of 2-minute votes.

The vote was taken by electronic device, and there were—ayes 91, noes 317, not voting 29, as follows:

[Roll No. 842]

AYES—91

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Broun (GA)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Heller
Hensarling
Hoekstra
Inglis (SC)
Johnson (IL)
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (NE)
Souder
Sullivan
Terry
Thornberry
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—317

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo

Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—29

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Ruppersberger
Saxton
Skelton
Stark
Tancredo
Waters
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains.

□ 0042

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Doyle Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 312, not voting 27, as follows:

[Roll No. 843]

AYES—98

Akin
Bachmann
Barrett (SC)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Conaway
Cooper
Cubin
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Westmoreland
Wilson (SC)

NOES—312

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kingston
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Stark
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains.

□ 0045

Mr. ALTMIRE changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Lewis Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 57, noes 353, not voting 27, as follows:

[Roll No. 844]

AYES—57

Bachmann
Barrett (SC)
Blackburn
Blumenauer
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Cantor
Chabot
Conaway
Cooper
Davis, David
Deal (GA)
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Graves
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
McCarthy (CA)
Musgrave
Neugebauer
Nunes
Pence
Petri
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Sullivan
Terry
Thornberry
Tiberi
Walberg
Westmoreland

NOES—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Stark
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains on this vote.

□ 0050

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding National Drug Intelligence Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 301, not voting 27, as follows:

[Roll No. 845]

AYES—109

Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Conaway
Cooper
Cubin
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Ramstad
Reichert
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Westmoreland
Wilson (NM)
Wilson (SC)

NOES—301

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Frank (MA)

Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Becerra
Bordallo
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Faleomavaega
Fortuño
Goode
Hastert
Hayes
Hinojosa
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
LaHood
Lantos
Paul
Saxton
Skelton
Stark
Tancredo
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains on this vote.

□ 0054

Mrs. MCMORRIS RODGERS changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2008''.

The CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mr. ROSS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, pursuant to the previous order of the House by unanimous consent, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 13, not voting 24, as follows:

[Roll No. 846]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—13

Baldwin
Blumenauer
Ehlers
Ellison
Filner
Frank (MA)
Kucinich
Lee
Lewis (GA)
McDermott
Payne
Velázquez
Woolsey

NOT VOTING—24

Becerra
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann

Delahunt	Jindal	Paul
Goode	Johnson, Sam	Saxton
Hastert	Kilpatrick	Skelton
Hayes	Klein (FL)	Stark
Hinojosa	LaHood	Tancredo
Hunter	Lantos	Young (AK)

□ 0111

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official leave of absence for business in the 13th Congressional District of Michigan, I was unfortunately unable to vote on several resolutions on final passage. Had I been present, I would have voted "aye" on final passage of H.R. 2276, the Renewable Energy and Energy Conservation Tax Act, and "aye" on final passage of H.R. 3222, Defense Appropriations for FY 2008.

REVISIONS TO ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore, Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, Under section 308(b)(1) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bills made in order by the Committee on Rules, H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007 and H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measures are under consideration. The adjustments will take effect upon enactment of the measures. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee						
Current allocation:						
Agriculture	0	0	0	0	0	0
Energy and Commerce	−1	−1	134	132	89	87
Natural Resources	0	0	0	0	0	0
Ways and Means	0	0	−38	−38	−98	−98
Change for New Direction for Energy Independence, National Security, and Consumer Protection Act (H.R. 3221) and Renewable Energy and Energy Conservation Tax Act (H.R. 2776):						
Agriculture	0	0	266	138	2,175	1,554
Energy and Commerce	0	0	376	243	1,681	1,624
Natural Resources	0	0	−781	−787	3,168	−3,179
Ways and Means	0	0	169	169	876	876
Total	0	0	30	−237	1,564	875
Revised allocation:						
Agriculture	0	0	266	138	2,175	1,554
Energy and Commerce	−1	−1	510	375	1,770	1,711
Natural Resources	0	0	−781	−787	−3,168	−3,179
Ways and Means	0	0	131	131	778	778

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,255,570	2,350,357	[3]
Outlays	2,268,649	2,353,992	[3]
Revenues	1,900,340	2,015,841	11,137,671
Change for New Direction for Energy Independence, National Security, and Consumer Protection Act (H.R. 3221) and Renewable Energy and Energy Conservation Tax Act (H.R. 2776):			
Budget Authority	0	30	[3]
Outlays	0	−237	[3]
Revenues	0	191	1,750
Revised Aggregates:			
Budget Authority	2,255,570	2,350,387	[3]
Outlays	2,268,649	2,353,755	[3]
Revenues	1,900,340	2,016,032	11,139,421

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.
[3] n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 4, 2007

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

WASHINGTON, DC, AUGUST 4, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 4, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 5, 2007

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 5, 2007.

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

There was no objection.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

February 2, 2007

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the

parents of pages and a member representing former pages, and for other purposes.

February 8, 2007

H.R. 188. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

February 15, 2007

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes.

H.J.Res. 20. An act making further continuing appropriations for the fiscal year 2007, and for other purposes.

February 26, 2007

H.R. 742. An act to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction.

March 7. 2007

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building''.

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''.

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building''.

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the ''Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office''.

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the ''Sergeant Henry Ybarra III Post Office Building''.

March 15, 2007

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''.

March 21, 2007

H.R. 342. An act to designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the ''Rush Hudson Limbaugh, Sr. United States Courthouse''.

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.

March 23, 2007

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the ''Lyndon Baines Johnson Department of Education Building''.

March 28, 2007

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

April 20, 2007

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

May 2, 2007

H.R. 753. An act to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis and Odell Horton Federal Building''.

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

May 3, 2007

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. An Act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

May 11, 2007

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

May 25, 2007

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the ''Lieutenant Todd Jason Bryant Post Office''.

H.R. 2206. An act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

June 1, 2007

H.R. 414. An act to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the ''Miguel Angel Garcia Mendez Post Office Building''.

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the ''Lino Perez, Jr. Post Office''.

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''.

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

June 15, 2007

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

June 18, 2007

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

June 29, 2007

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

June 30, 2007

H.R. 1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

July 26, 2007

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the Senate of the following titles:

January 17, 2007

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as 1he ''Robert T. Stafford White Rocks National Recreation Area''.

April 9, 2007

S. 494. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

April 23, 2007

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

May 8, 2007

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''.

June 14, 2007

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

June 15, 2007

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.

June 21, 2007

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

July 3, 2007

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

July 5, 2007

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the ''Raymond G. Murphy Department of Veterans Affairs Medical Center''.

S. 801. An act to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.

July 13, 2007

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

July 18, 2007

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINOJOSA (at the request of Mr. HOYER) for today after 3:30 p.m.

Mr. SAXTON (at the request of Mr. BOEHNER) for today on account of family obligations.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office'' to the Committee on Oversight and Government Reform.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2863. An act to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

H.R. 2952. An act to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

ADJOURNMENT

Ms. SHEA-PORTER. Pursuant to Senate Concurrent Resolution 43, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 12 minutes a.m.), pursuant to Senate Concurrent Resolution 43, 110th Congress, the House adjourned until Tuesday, September 4, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3068. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of proposed legislation entitled, ''the Community Development Block Grant Reform Act of 2007''; to the Committee on Financial Services.

3069. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ferrier Picnic, Lake Erie, Fairview, PA. [CGD09-07-040] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3070. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lawrence Beach Club Fireworks, Atlantic Beach, NY. [CGD01-07-075] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3071. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Westport PAL Fireworks, Westport, CT. [CGD01-07-082] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3072. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seneca River Days, Baldwinsville, NY. [CGD09-07-035] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3073. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: City of Syracuse Fireworks, Syracuse Inner Harbor, Syracuse, NY. [CGD09-07-038] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3074. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Sag Harbor Fireworks, Havens Beach, Sag Harbor, NY. [CGD01-07-060] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3075. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Salute to Veterans Fireworks, West Marina/Jones Inlet, Point Lookout, NY. [CGD01-07-061] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3076. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cancer Center for Kids, Bayville, NY [CGD01-07-074] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3077. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Jefferson Fireworks, Long Island Sound, Port Jefferson, NY. [CGD01-07-080] (RIN: 1625-AA00) received August 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 189. A bill to establish the Paterson Great Falls National Park in the State of New Jersey; with amendments (Rept. 110–310). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1834. A bill to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 110–311 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BECERRA (for himself, Mr. PORTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. COSTA, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Ms. ROS-LEHTINEN, and Mr. KAGEN):

H.R. 3452. A bill to amend the Internal Revenue Code of 1986 to allow a credit with respect to clean renewable water supply bonds; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ:

H.R. 3453. A bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding demonstration project for clinical laboratory services; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. GOODLATTE):

H.R. 3454. A bill to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries; to the Committee on Agriculture.

By Mr. LARSON of Connecticut (for himself and Mr. MURPHY of Connecticut):

H.R. 3455. A bill to amend title 38, United States Code, to provide for a more equitable geographic allocation of funds appropriated to the Department of Veterans Affairs for medical care; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California:

H.R. 3456. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself and Mr. CANTOR):

H.R. 3457. A bill to require the Secretary of the Treasury to enter into an agreement with the Free File Alliance to provide for electronic filing of individual Federal income tax returns free of charge; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 3458. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on the provision of traumatic brain injury care in rural areas; to the Committee on Veterans' Affairs.

By Mr. MARKEY:

H.R. 3459. A bill to amend the Endangered Species Act of 1973 to require the Director of the United States Fish and Wildlife Service to publish a summary statement of the scientific basis for a decision concerning the

listing or de-listing of an endangered species or the designation of critical habitat, and for other purposes; to the Committee on Natural Resources.

By Mr. HILL:

H.R. 3460. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Natural Resources.

By Ms. BEAN (for herself, Mr. HILL, Ms. BORDALLO, Mr. DONNELLY, Mr. ELLSWORTH, Mr. HOLT, Mr. KIND, Ms. MOORE of Wisconsin, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 3461. A bill to establish a public awareness campaign regarding Internet safety; to the Committee on Energy and Commerce.

By Mr. LAMPSON:

H.R. 3462. A bill to improve the tools available to prosecute certain violent crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. BAIRD, Mr. SOUDER, Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, Mr. REGULA, and Mrs. CAPPS):

H.R. 3463. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership between the Department of Education and the National Park Service to provide educational opportunities for students and teachers; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Mr. BERMAN):

H.R. 3464. A bill to prohibit the importation of gum arabic from Sudan; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 3465. A bill to promote greater cooperation with local governments in connection with environmental analyses of certain water projects; to the Committee on Natural Resources.

By Mr. RYAN of Ohio:

H.R. 3466. A bill to award grants to establish Advanced Multidisciplinary Computing Software Centers, which shall conduct outreach, technology transfer, development, and utilization programs in specific industries and geographic regions for the benefit of small and medium-sized manufacturers and businesses; to the Committee on Energy and Commerce.

By Mr. YARMUTH:

H.R. 3467. A bill to expand and extend counseling and referral programs that minimize recidivism by reintegrating at-risk veterans into meaningful employment; to the Committee on Veterans' Affairs.

By Mr. BUTTERFIELD (for himself, Mr. WATT, Ms. FOXX, Mr. SHULER, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. JONES of North Carolina, and Mr. MCINTYRE):

H.R. 3468. A bill to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''; to the Committee on Oversight and Government Reform.

By Mr. RUPPERSBERGER:

H.R. 3469. A bill to assist the Secretary of Homeland Security in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT (for himself, Mr. BOEHNER, Ms. FALLIN, Mr. MCCARTHY of California, Mr. TERRY, Mr. BARTON of Texas, Mr. GOODLATTE, Mr. PEARCE, Mr. MICA, Mr. SULLIVAN, Mrs. BLACKBURN, Mrs. CAPITO, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, Mr. UPTON, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. MCCRERY, Mr. CANTOR, Mr. LEWIS of California, Mr. GRAVES, Ms. GRANGER, Mr. MCHENRY, Mr. BURGESS, Mr. PENCE, Mr. BILBRAY, Mr. CARTER, Mr. GINGREY, Mr. BROUN of Georgia, Mr. NEUGEBAUER, Mr. BACHUS, Mrs. MYRICK, Ms. PRYCE of Ohio, Mr. DENT, Mrs. MUSGRAVE, Mr. DAVID DAVIS of Tennessee, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. DEAL of Georgia, Mr. REICHERT, Mr. EVERETT, Mr. BONNER, Mr. BOUSTANY, Mrs. DRAKE, Mrs. SCHMIDT, Mr. LINDER, Mr. CULBERSON, Mr. CAMP of Michigan, Mr. AKIN, Mr. WALBERG, Mr. FORBES, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. WESTMORELAND, Mr. SALI, Mr. CAMPBELL of California, Ms. FOXX, Mr. PORTER, Mr. MCKEON, Mr. ROGERS of Alabama, Mr. PETRI, Mr. TANCREDO, Mr. INGLIS of South Carolina, Mrs. BIGGERT, Mr. HULSHOF, Mr. SMITH of New Jersey, Mr. WICKER, Mr. WAMP, Mr. DREIER, Mr. ROSKAM, Mr. SMITH of Nebraska, Mr. TIAHRT, Mr. WALDEN of Oregon, Mr. FEENEY, Mr. PRICE of Georgia, Mr. KUHL of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. ROGERS of Michigan, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. CONAWAY, Mr. MARCHANT, Mr. HERGER, Mr. HENSARLING, Mr. REHBERG, Mr. SHADEGG, Mr. JORDAN, Mr. HELLER, Mr. WOLF, Mr. FORTENBERRY, Mr. GILLMOR, Mr. LAMBORN, Mr. GOODE, Mr. KIRK, and Mr. COLE of Oklahoma):

H. Res. 622. A resolution providing for the correction of the events of August 2, 2007; to the Committee on Rules.

By Mr. BOEHNER:

H. Res. 623. A resolution raising a question of the privileges of the House.

By Mr. HASTINGS of Florida (for himself and Mr. GENE GREEN of Texas):

H. Res. 624. A resolution congratulating the State of Israel on chairing a United Nations committee for the first time in history; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself, Ms. BALDWIN, Mr. CAPUANO, Mr. COHEN, Mr. DAVIS of Illinois, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HALL of New York, Mr. HONDA, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY of New York, Mr. MORAN of Virginia, Mr. PASTOR, Ms. SCHAKOWSKY, Ms. WATSON, Ms. SHEA-PORTER, and Mr. ROTHMAN):

H. Res. 625. A resolution censuring the President and Vice President; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Ms. BALDWIN, Mr. CAPUANO, Mr. COHEN, Mr. DAVIS of Illinois, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HALL of New York, Mr. HONDA, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY of New York, Mr. MORAN of Virginia, Mr. PASTOR, Ms. SCHAKOWSKY, Ms. WATSON, Ms. SHEA-PORTER, and Mr. ROTHMAN):

H. Res. 626. A resolution censuring the President and Attorney General; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. SIRES, Mrs. MALONEY of New York, Mr. ANDREWS, and Mr. SPACE):

H. Res. 627. A resolution supporting the removal of Turkish occupation troops from the Republic of Cyprus; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 628. A resolution expressing the sense of the House of Representatives that the President should take immediate action to boycott the Summer Olympic Games of 2008 in Beijing, China; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

184. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 10 memorializing the Congress of the United States to provide funding for the Saginaw Bay Coastal Initiative; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. MEEK of Florida and Mr. WALZ of Minnesota.

H.R. 160: Mr. FOSSELLA, Mr. MCGOVERN, and Mr. ROTHMAN.

H.R. 289: Mr. WALBERG.

H.R. 315: Ms. BORDALLO.

H.R. 346: Mr. CLYBURN, Mr. MACK, Mr. HOLDEN, Mr. COSTELLO, Mr. LOEBSACK, Mr. TANNER, Mr. BERRY, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Ms. WATERS, Mr. BLUMENAUER, Mr. KIND, Mr. LIPINSKI, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BROUN of Georgia, Mr. MCINTYRE, Mrs. MILLER of Michigan, Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. GENE GREEN of Texas, Mrs. LOWEY, Ms. KAPTUR, Mr. SPRATT, Mr. CHABOT, Mr. EMANUEL, Mr. WELDON of Florida, Mr. ROSS, Mr. WILSON of South Carolina, Ms. SCHWARTZ, Mr. LEWIS of California, Mr. MITCHELL, Mr. KIRK, and Mr. GUTIERREZ.

H.R. 418: Mr. DOYLE.

H.R. 611: Mr. PLATTS.

H.R. 782: Mr. ALLEN.

H.R. 1004: Mr. PAYNE.

H.R. 1246: Mr. BAIRD, Mr. ARCURI, Mr. SESTAK, Mr. SHERMAN, and Mr. SCHIFF.

H.R. 1275: Mr. AL GREEN of Texas.

H.R. 1322: Mr. MCINTYRE.

H.R. 1363: Ms. SLAUGHTER, Mr. CUMMINGS, Mr. RODRIGUEZ, Mr. ISRAEL, and Mr. CLAY.

H.R. 1376: Mr. RAMSTAD.

H.R. 1399: Mr. INGLIS of South Carolina, Mr. MCCARTHY of California, Mr. MCKEON, Mr. REGULA, Mr. PETRI, Mr. BROUN of Georgia, and Mr. LATOURETTE.

H.R. 1416: Mr. VAN HOLLEN.

H.R. 1586: Mr. HELLER.

H.R. 1992: Mr. TIM MURPHY of Pennsylvania.

H.R. 2035: Mr. WALZ of Minnesota.

H.R. 2047: Mr. PLATTS.

H.R. 2447: Mr. STARK.

H.R. 2470: Ms. MOORE of Wisconsin, Mr. JACKSON of Illinois, Mr. ACKERMAN, Mr. SMITH of New Jersey, Ms. SOLIS, and Mr. GILCHREST.

H.R. 2490: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2517: Ms. NORTON and Mr. POE.

H.R. 2574: Mr. KIRK.
H.R. 2606: Mr. BISHOP of Utah and Mrs. CHRISTENSEN.
H.R. 2609: Ms. SUTTON.
H.R. 2612: Ms. BORDALLO.
H.R. 2704: Mr. FEENEY.
H.R. 2784: Mr. BROUN of Georgia.
H.R. 2787: Mr. CRAMER.
H.R. 2820: Mr. BOOZMAN and Mr. SNYDER.
H.R. 2824: Ms. CLARKE and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2833: Mr. LOEBSACK and Ms. SHEA-PORTER.
H.R. 2846: Ms. SUTTON.
H.R. 2894: Mr. CRAMER.
H.R. 2910: Mr. ORTIZ and Mr. ELLISON.
H.R. 2927: Mr. MCHUGH, Mr. RADANOVICH, Mr. EDWARDS, Mrs. BOYDA of Kansas, Ms. SUTTON, Mr. SIMPSON, Mr. DANIEL E. LUNGREN of California, Mrs. MCMORRIS RODGERS, Mr. KIND, Mr. MOLLOHAN, Mr. HARE, Mr. ROYCE, and Mr. CARNAHAN.
H.R. 2934: Mr. DONNELLY.
H.R. 2990: Mr. BLUMENAUER and Mr. CAMP of Michigan.
H.R. 3005: Mr. RUSH and Mrs. LOWEY.
H.R. 3026: Mr. SNYDER and Mr. ROSKAM.
H.R. 3099: Mr. HOLDEN, Mr. ALTMIRE, Mr. KANJORSKI, Mr. STUPAK, Mr. PATRICK MURPHY of Pennsylvania, Ms. CASTOR, Ms. SUTTON, Mr. TAYLOR, Ms. LINDA T. SÁNCHEZ of California, Ms. KAPTUR, Ms. SCHWARTZ, and Mr. REYNOLDS.
H.R. 3120: Mr. BOYD of Florida, Ms. CORRINE BROWN of Florida, Mr. MILLER of Florida, Mr. CRENSHAW, Mr. STEARNS, Mr. MICA, Mr. KELLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. BUCHANAN, Mr. WELDON of Florida, Mr. FEENEY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 3132: Mr. SARBANES and Mr. RUPPERSBERGER.
H.R. 3136: Mr. RAMSTAD.
H.R. 3140: Mr. PETERSON of Minnesota, Mr. MELANCON, and Mr. BOOZMAN.
H.R. 3143: Mrs. MUSGRAVE.
H.R. 3152: Mr. GERLACH and Mrs. MUSGRAVE.
H.R. 3154: Mrs. MUSGRAVE and Mr. GERLACH.
H.R. 3187: Ms. HOOLEY and Ms. SOLIS.
H.R. 3226: Ms. SCHAKOWSKY.
H.R. 3245: Mr. CRAMER.
H.R. 3253: Mr. HARE.
H.R. 3298: Mr. GONZALEZ.
H.R. 3430: Mr. COSTA.
H.R. 3439: Mr. RUPPERSBERGER.
H.R. 3442: Mr. HENSARLING, Mr. SHIMKUS, and Mr. HOLDEN.
H. Con. Res. 134: Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. RUPPERSBERGER, Mr. RUSH, Ms. CARSON, Mr. FATTAH, Ms. KILPATRICK, Ms. LEE, Mr. RODRIGUEZ, and Mr. WATT.
H. Con. Res. 176: Mr. FORTENBERRY.
H. Con. Res. 193: Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. CAPUANO, Mr. HOLT, Mr. ETHERIDGE, Mr. GEORGE MILLER of California, Mr. ISRAEL, Ms. SLAUGHTER, Mr. LOEBSACK, Mr. VAN HOLLEN, Mr. BRADY of Pennsylvania, and Mr. PALLONE.
H. Res. 288: Mr. MARSHALL, Mr. GUTIERREZ, Mr. HINCHEY, Mr. BURTON of Indiana, Mr. BERMAN, and Ms. CARSON.
H.Res. 333: Mr. COHEN and Ms. JACKSON-LEE of Texas.
H.Res. 589: Mr. ACKERMAN.
H.Res. 590: Mr. SHIMKUS.
H.Res. 604: Mr. ENGLISH of Pennsylvania.
H.Res. 616: Mrs. LOWEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. SILVESTRE REYES

S. 1927 contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XIII, sponsors were deleted from public bills and resolution as follows:

H.R. 380: Ms. BEAN.
H.R. 1983: Mr. BOYD of Florida.
H.R. 40: Mr. DONNELLY.